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**PRELIMINARY DRAFT  
No. 3103**

**PREPARED BY  
LEGISLATIVE SERVICES AGENCY  
2010 GENERAL ASSEMBLY**

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**DIGEST**

**Citations Affected:** Numerous citations in the Indiana Code.

**Synopsis:** Technical corrections. Resolves: (1) conflicts between differing 2009 amendments to Indiana Code sections; and (2) numerous other technical problems in the Indiana Code.

**Effective:** Upon passage; May 12, 2009 (retroactive).



A BILL FOR AN ACT to amend the Indiana Code concerning  
general provisions.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 2-3.5-5-3, AS AMENDED BY P.L.165-2009,  
SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
UPON PASSAGE]: Sec. 3. (a) The PERF board shall establish  
alternative investment programs within the fund, based on the  
following requirements:

(1) The PERF board shall maintain at least one (1) alternative  
investment program that is an indexed stock fund, one (1)  
alternative investment program that is a bond fund, and one (1)  
alternative investment program that is a stable value fund.

(2) The programs should represent a variety of investment  
objectives.

(3) The programs may not permit a member to withdraw money  
from the member's account, except as provided in section 6 of this  
chapter.

(4) All administrative costs of each alternative program shall be  
paid from the earnings on that program.

(5) A valuation of each member's account must be completed as  
of:

(A) the last day of each quarter; or

(B) a time that the board may specify by rule.

(b) A member shall direct the allocation of the amount credited to  
the member among the available alternative investment funds, subject  
to the following conditions:

(1) A member may make a selection or change an existing  
selection under rules established by the PERF board. The PERF  
board shall allow a member to make a selection or change any  
existing selection at least once each quarter.

(2) The PERF board shall implement the member's selection  
beginning **on** the first day of the next calendar quarter that begins  
at least thirty (30) days after the selection is received by the PERF  
board or **on** an alternate date established by the rules of the board.



1 This date is the effective date of the member's selection.

2 (3) A member may select any combination of the available  
3 investment funds, in ten percent (10%) increments or smaller  
4 increments that may be established by the rules of the board.

5 (4) A member's selection remains in effect until a new selection  
6 is made.

7 (5) On the effective date of a member's selection, the board shall  
8 reallocate the member's existing balance or balances in  
9 accordance with the member's direction, based on the market  
10 value on the effective date.

11 (6) If a member does not make an investment selection of the  
12 alternative investment programs, the member's account shall be  
13 invested in the PERF board's general investment fund.

14 (7) All contributions to the member's account shall be allocated  
15 as of the last day of the quarter in which the contributions are  
16 received or at an alternate time established by the rules of the  
17 board in accordance with the member's most recent effective  
18 direction. The PERF board shall not reallocate the member's  
19 account at any other time.

20 (c) When a member transfers the amount credited to the member  
21 from one (1) alternative investment program to another alternative  
22 investment program, the amount credited to the member shall be  
23 valued at the market value of the member's investment, as of the day  
24 before the effective date of the member's selection or at an alternate  
25 time established by the rules of the board. When a member retires,  
26 becomes disabled, dies, or withdraws from the fund, the amount  
27 credited to the member shall be the market value of the member's  
28 investment as of the last day of the quarter preceding the member's  
29 distribution or annuitization at retirement, disability, death, or  
30 withdrawal, plus contributions received after that date or at an alternate  
31 time established by the rules of the board.

32 (d) The PERF board shall determine the value of each alternative  
33 program in the defined contribution fund, as of the last day of each  
34 calendar quarter, as follows:

35 (1) The market value shall exclude the employer contributions  
36 and employee contributions received during the quarter ending on  
37 the current allocation date.

38 (2) The market value as of the immediately preceding quarter end  
39 date shall include the employer contributions and employee  
40 contributions received during that preceding quarter.

41 (3) The market value as of the immediately preceding quarter end  
42 date shall exclude benefits paid from the fund during the quarter  
43 ending on the current quarter end date.

44 SECTION 2. IC 3-7-26.7-7, AS ADDED BY P.L.120-2009,  
45 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
46 UPON PASSAGE]: Sec. 7. Except as otherwise provided in this



chapter, the county voter registration office shall process the application under ~~IC 3-7~~ **this article**.

SECTION 3. IC 3-10-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. Each vote cast or registered:

(1) for the nominees for President and Vice President of the United States of:

(A) a political party; **or**

(B) a group of petitioners; **or**

(2) **for** a write-in candidate for President or Vice President of the United States;

is a vote cast or registered for all of the candidates for presidential electors of the party, group, or **write-in** candidate and shall be so counted. These votes shall be counted, canvassed, and certified in the same manner as the votes for candidates for other offices.

SECTION 4. IC 4-4-10.9-1.2, AS AMENDED BY P.L.1-2009, SECTION 5, AND AS AMENDED BY P.L.2-2009, SECTION 1, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.2. "Affected statutes" means all statutes that grant a power to or impose a duty on the authority, including but not limited to IC 4-4-11, IC 4-4-11.4, *IC 4-4-11.6*, IC 4-4-21, ~~IC 4-4-31~~, IC 4-13.5, IC 5-1-16, *IC 5-1-16.5*, IC 8-9.5, IC 8-14.5, IC 8-15, IC 8-15.5, IC 8-16, IC 13-18-13, IC 13-18-21, IC 13-19-5, *and IC 14-14. and IC 20-12-63.*

SECTION 5. IC 4-12-1-14.2, AS AMENDED BY P.L.145-2006, SECTION 4, AND AS AMENDED BY P.L.181-2006, SECTION 15, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14.2. Notwithstanding any other law, all oil overcharge funds received from the federal government are annually appropriated to the *division of family resources* lieutenant governor for the *division's* lieutenant governor's use in carrying out the home energy assistance program. The amount of this annual appropriation for a state fiscal year is equal to:

(1) the total amount necessary to carry out the program during that fiscal year; minus

(2) the amount of federal low income energy assistance funds available for the program during that state fiscal year.

SECTION 6. IC 4-13.6-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. Except as provided ~~in section 2.7 of this chapter or~~ in rules adopted under section 2.5 of this chapter, the division shall award a contract to the lowest responsible and responsive contractor.

SECTION 7. IC 4-22-2-37.1, AS AMENDED BY P.L.131-2009, SECTION 1, AS AMENDED BY P.L.160-2009, SECTION 1, AND AS AMENDED BY P.L.177-2009, SECTION 1, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 37.1. (a) This section applies to a rulemaking action



resulting in any of the following rules:

- (1) An order adopted by the commissioner of the Indiana department of transportation under IC 9-20-1-3(d) or IC 9-21-4-7(a) and designated by the commissioner as an emergency rule.
- (2) An action taken by the director of the department of natural resources under IC 14-22-2-6(d) or IC 14-22-6-13.
- (3) An emergency temporary standard adopted by the occupational safety standards commission under IC 22-8-1.1-16.1.
- (4) An emergency rule adopted by the solid waste management board under IC 13-22-2-3 and classifying a waste as hazardous.
- (5) A rule, other than a rule described in subdivision (6), adopted by the department of financial institutions under IC 24-4.5-6-107 and declared necessary to meet an emergency.
- (6) A rule required under IC 24-4.5-1-106 that is adopted by the department of financial institutions and declared necessary to meet an emergency under IC 24-4.5-6-107.
- (7) A rule adopted by the Indiana utility regulatory commission to address an emergency under IC 8-1-2-113.
- (8) An emergency rule adopted by the state lottery commission under IC 4-30-3-9.
- (9) A rule adopted under IC 16-19-3-5 or IC 16-41-2-1 that the executive board of the state department of health declares is necessary to meet an emergency.
- (10) An emergency rule adopted by the Indiana finance authority under IC 8-21-12.
- (11) An emergency rule adopted by the insurance commissioner under IC 27-1-23-7.
- (12) An emergency rule adopted by the Indiana horse racing commission under IC 4-31-3-9.
- (13) An emergency rule adopted by the air pollution control board, the solid waste management board, or the water pollution control board under IC 13-15-4-10(4) or to comply with a deadline required by or other date provided by federal law, provided:
  - (A) the variance procedures are included in the rules; and
  - (B) permits or licenses granted during the period the emergency rule is in effect are reviewed after the emergency rule expires.
- (14) An emergency rule adopted by the Indiana election commission under IC 3-6-4.1-14.
- (15) An emergency rule adopted by the department of natural resources under IC 14-10-2-5.
- (16) An emergency rule adopted by the Indiana gaming commission under IC 4-32.2-3-3(b), IC 4-33-4-2, IC 4-33-4-3,



- 1 IC 4-33-4-14, or IC 4-35-4-2.
- 2 (17) An emergency rule adopted by the alcohol and tobacco
- 3 commission under IC 7.1-3-17.5, IC 7.1-3-17.7, or
- 4 IC 7.1-3-20-24.4.
- 5 (18) An emergency rule adopted by the department of financial
- 6 institutions under IC 28-15-11.
- 7 (19) An emergency rule adopted by the office of the secretary of
- 8 family and social services under IC 12-8-1-12.
- 9 (20) An emergency rule adopted by the office of the children's
- 10 health insurance program under IC 12-17.6-2-11.
- 11 (21) An emergency rule adopted by the office of Medicaid policy
- 12 and planning under IC 12-15-41-15.
- 13 (22) An emergency rule adopted by the Indiana state board of
- 14 animal health under IC 15-17-10-9.
- 15 (23) An emergency rule adopted by the board of directors of the
- 16 Indiana education savings authority under IC 21-9-4-7.
- 17 (24) An emergency rule adopted by the Indiana board of tax
- 18 review under IC 6-1.1-4-34 (repealed).
- 19 (25) An emergency rule adopted by the department of local
- 20 government finance under IC 6-1.1-4-33 (repealed).
- 21 (26) An emergency rule adopted by the boiler and pressure vessel
- 22 rules board under IC 22-13-2-8(c).
- 23 (27) An emergency rule adopted by the Indiana board of tax
- 24 review under IC 6-1.1-4-37(l) (repealed) or an emergency rule
- 25 adopted by the department of local government finance under
- 26 IC 6-1.1-4-36(j) (repealed) or IC 6-1.1-22.5-20.
- 27 (28) An emergency rule adopted by the board of the Indiana
- 28 economic development corporation under IC 5-28-5-8.
- 29 (29) A rule adopted by the department of financial institutions
- 30 under IC 34-55-10-2.5.
- 31 (30) A rule adopted by the Indiana finance authority:
- 32 (A) under IC 8-15.5-7 approving user fees (as defined in
- 33 IC 8-15.5-2-10) provided for in a public-private agreement
- 34 under IC 8-15.5;
- 35 (B) under IC 8-15-2-17.2(a)(10):
- 36 (i) establishing enforcement procedures; and
- 37 (ii) making assessments for failure to pay required tolls;
- 38 (C) under IC 8-15-2-14(a)(3) authorizing the use of and
- 39 establishing procedures for the implementation of the
- 40 collection of user fees by electronic or other nonmanual
- 41 means; or
- 42 (D) to make other changes to existing rules related to a toll
- 43 road project to accommodate the provisions of a public-private
- 44 agreement under IC 8-15.5.
- 45 (31) An emergency rule adopted by the board of the Indiana
- 46 health informatics corporation under IC 5-31-5-8.



(32) *An emergency rule adopted by the state athletic commission under IC 25-9-1-4.5.*

~~(32)~~ (33) *An emergency rule adopted by the department of child services under IC 31-25-2-21, IC 31-27-2-4, IC 31-27-4-2, or IC 31-27-4-3.*

~~(32)~~ (34) *An emergency rule adopted by the Indiana real estate commission under IC 25-34.1-2-5(15).*

(b) The following do not apply to rules described in subsection (a):

(1) Sections 24 through 36 of this chapter.

(2) IC 13-14-9.

(c) After a rule described in subsection (a) has been adopted by the agency, the agency shall submit the rule to the publisher for the assignment of a document control number. The agency shall submit the rule in the form required by section 20 of this chapter and with the documents required by section 21 of this chapter. The publisher shall determine the format of the rule and other documents to be submitted under this subsection.

(d) After the document control number has been assigned, the agency shall submit the rule to the publisher for filing. The agency shall submit the rule in the form required by section 20 of this chapter and with the documents required by section 21 of this chapter. The publisher shall determine the format of the rule and other documents to be submitted under this subsection.

(e) Subject to section 39 of this chapter, the publisher shall:

(1) accept the rule for filing; and

(2) electronically record the date and time that the rule is accepted.

(f) A rule described in subsection (a) takes effect on the latest of the following dates:

(1) The effective date of the statute delegating authority to the agency to adopt the rule.

(2) The date and time that the rule is accepted for filing under subsection (e).

(3) The effective date stated by the adopting agency in the rule.

(4) The date of compliance with every requirement established by law as a prerequisite to the adoption or effectiveness of the rule.

(g) Subject to subsection (h), IC 14-10-2-5, IC 14-22-2-6, IC 22-8-1.1-16.1, and IC 22-13-2-8(c), and except as provided in subsections (j), (k), and (l), a rule adopted under this section expires not later than ninety (90) days after the rule is accepted for filing under subsection (e). Except for a rule adopted under subsection (a)(13), (a)(24), (a)(25), or (a)(27), the rule may be extended by adopting another rule under this section, but only for one (1) extension period. The extension period for a rule adopted under subsection (a)(28) may not exceed the period for which the original rule was in effect. A rule adopted under subsection (a)(13) may be extended for two (2)



extension periods. Subject to subsection (j), a rule adopted under subsection (a)(24), (a)(25), or (a)(27) may be extended for an unlimited number of extension periods. Except for a rule adopted under subsection (a)(13), for a rule adopted under this section to be effective after one (1) extension period, the rule must be adopted under:

(1) sections 24 through 36 of this chapter; or

(2) IC 13-14-9;

as applicable.

(h) A rule described in subsection (a)(8), (a)(12), or (a)(29) expires on the earlier of the following dates:

(1) The expiration date stated by the adopting agency in the rule.

(2) The date that the rule is amended or repealed by a later rule adopted under sections 24 through 36 of this chapter or this section.

(i) This section may not be used to readopt a rule under IC 4-22-2.5.

(j) A rule described in subsection (a)(24) or (a)(25) expires not later than January 1, 2006.

(k) A rule described in subsection (a)(28) expires on the expiration date stated by the board of the Indiana economic development corporation in the rule.

(l) A rule described in subsection (a)(30) expires on the expiration date stated by the Indiana finance authority in the rule.

(m) A rule described in subsection (a)(5) or (a)(6) expires on the date the department is next required to issue a rule under the statute authorizing or requiring the rule.

SECTION 8. IC 4-33-6.5-2, AS AMENDED BY P.L.142-2009, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) A person, including a person who holds or has an interest in an owner's license issued under this article, may file an application with the commission to serve as an operating agent under this chapter. An applicant must pay a nonrefundable application fee to the commission in an amount to be determined by the commission.

(b) An applicant must submit the following on forms provided by the commission:

(1) If the applicant is an individual, two (2) sets of the individual's fingerprints.

(2) If the applicant is not an individual, two (2) sets of fingerprints for each officer and director of the applicant.

(c) This subsection applies to an applicant who applies after ~~the effective date of this subsection~~ **May 12, 2009**, to serve as an operating agent under this chapter. An applicant shall submit for the approval of the commission a written power of attorney identifying the person who, if approved by the commission, would serve as the applicant's trustee to operate the riverboat. The power of attorney submitted under this subsection must:





- (1) be executed in the manner required by IC 30-5;
- (2) describe the powers that may be delegated to the proposed trustee;
- (3) conform with the requirements established by the commission under IC 4-33-4-3(a)(10); and
- (4) be submitted on the date that the applicant pays the application fee described in subsection (a).

(d) The commission shall review the applications filed under this chapter and shall inform each applicant of the commission's decision.

(e) The costs of investigating an applicant to serve as an operating agent under this chapter shall be paid from the application fee paid by the applicant.

(f) An applicant to serve as an operating agent under this chapter must pay all additional costs that are:

- (1) associated with the investigation of the applicant; and
- (2) greater than the amount of the application fee paid by the applicant.

SECTION 9. IC 5-1.5-2-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. The executive director appointed under section ~~2~~ **3** of this chapter shall, in addition to other duties fixed by the directors, administer, manage, and direct the employees of the bank. The executive director shall approve all amounts for salaries, allowable expenses of the bank or of any employee or consultant of the bank, and expenses incidental to the operation of the bank. The executive director shall attend the meetings of the board, keep a record of the proceedings of the board, and maintain all books, documents, and papers filed with the bank, the minutes of the board, and the bank's official seal. The executive director may cause copies to be made of all minutes and other records and documents of the bank and may give certificates under seal of the bank to the effect that those copies are true copies, and all persons dealing with the bank may rely upon those certificates.

SECTION 10. IC 5-2-1-9, AS AMENDED BY P.L.77-2009, SECTION 2, AND AS AMENDED BY P.L.93-2009, SECTION 1, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) The board shall adopt in accordance with IC 4-22-2 all necessary rules to carry out the provisions of this chapter. The rules, which shall be adopted only after necessary and proper investigation and inquiry by the board, shall include the establishment of the following:

- (1) Minimum standards of physical, educational, mental, and moral fitness which shall govern the acceptance of any person for training by any law enforcement training school or academy meeting or exceeding the minimum standards established pursuant to this chapter.
- (2) Minimum standards for law enforcement training schools



administered by towns, cities, counties, law enforcement training centers, agencies, or departments of the state.

(3) Minimum standards for courses of study, attendance requirements, equipment, and facilities for approved town, city, county, and state law enforcement officer, police reserve officer, and conservation reserve officer training schools.

(4) Minimum standards for a course of study on cultural diversity awareness that must be required for each person accepted for training at a law enforcement training school or academy.

(5) Minimum qualifications for instructors at approved law enforcement training schools.

(6) Minimum basic training requirements which law enforcement officers appointed to probationary terms shall complete before being eligible for continued or permanent employment.

(7) Minimum basic training requirements which law enforcement officers appointed on other than a permanent basis shall complete in order to be eligible for continued employment or permanent appointment.

(8) Minimum basic training requirements which law enforcement officers appointed on a permanent basis shall complete in order to be eligible for continued employment.

(9) Minimum basic training requirements for each person accepted for training at a law enforcement training school or academy that include six (6) hours of training in interacting with:

(A) persons with *autism*, mental illness, addictive disorders, mental retardation, and developmental disabilities; and

(B) missing endangered adults (as defined in IC 12-7-2-131.3); to be provided by persons approved by the secretary of family and social services and the board.

(10) Minimum standards for a course of study on human and sexual trafficking that must be required for each person accepted for training at a law enforcement training school or academy and for inservice training programs for law enforcement officers. The course must cover the following topics:

(A) Examination of the human and sexual trafficking laws (IC 35-42-3.5).

(B) Identification of human and sexual trafficking.

(C) Communicating with traumatized persons.

(D) Therapeutically appropriate investigative techniques.

(E) Collaboration with federal law enforcement officials.

(F) Rights of and protections afforded to victims.

(G) Providing documentation that satisfies the Declaration of Law Enforcement Officer for Victim of Trafficking in Persons (Form I-914, Supplement B) requirements established under federal law.

(H) The availability of community resources to assist human



1 and sexual trafficking victims.

2 (b) Except as provided in subsection (l), a law enforcement officer  
3 appointed after July 5, 1972, and before July 1, 1993, may not enforce  
4 the laws or ordinances of the state or any political subdivision unless  
5 the officer has, within one (1) year from the date of appointment,  
6 successfully completed the minimum basic training requirements  
7 established under this chapter by the board. If a person fails to  
8 successfully complete the basic training requirements within one (1)  
9 year from the date of employment, the officer may not perform any of  
10 the duties of a law enforcement officer involving control or direction  
11 of members of the public or exercising the power of arrest until the  
12 officer has successfully completed the training requirements. This  
13 subsection does not apply to any law enforcement officer appointed  
14 before July 6, 1972, or after June 30, 1993.

15 (c) Military leave or other authorized leave of absence from law  
16 enforcement duty during the first year of employment after July 6,  
17 1972, shall toll the running of the first year, which shall be calculated  
18 by the aggregate of the time before and after the leave, for the purposes  
19 of this chapter.

20 (d) Except as provided in subsections (e), (l), (r), and (s), a law  
21 enforcement officer appointed to a law enforcement department or  
22 agency after June 30, 1993, may not:

- 23 (1) make an arrest;
  - 24 (2) conduct a search or a seizure of a person or property; or
  - 25 (3) carry a firearm;
- 26 unless the law enforcement officer successfully completes, at a board  
27 certified law enforcement academy or at a law enforcement training  
28 center under section 10.5 or 15.2 of this chapter, the basic training  
29 requirements established by the board under this chapter.

30 (e) This subsection does not apply to:

- 31 (1) a gaming agent employed as a law enforcement officer by the
- 32 Indiana gaming commission; or
- 33 (2) an:
  - 34 (A) attorney; or
  - 35 (B) investigator;
- 36 designated by the securities commissioner as a police officer of
- 37 the state under IC 23-19-6-1(i).

38 Before a law enforcement officer appointed after June 30, 1993,  
39 completes the basic training requirements, the law enforcement officer  
40 may exercise the police powers described in subsection (d) if the  
41 officer successfully completes the pre-basic course established in  
42 subsection (f). Successful completion of the pre-basic course authorizes  
43 a law enforcement officer to exercise the police powers described in  
44 subsection (d) for one (1) year after the date the law enforcement  
45 officer is appointed.

46 (f) The board shall adopt rules under IC 4-22-2 to establish a



pre-basic course for the purpose of training:

- (1) law enforcement officers;
- (2) police reserve officers (as described in IC 36-8-3-20); and
- (3) conservation reserve officers (as described in IC 14-9-8-27);

regarding the subjects of arrest, search and seizure, the lawful use of force, *interacting with individuals with autism*, and the operation of an emergency vehicle. The pre-basic course must be offered on a periodic basis throughout the year at regional sites statewide. The pre-basic course must consist of at least forty (40) hours of course work. The board may prepare the classroom part of the pre-basic course using available technology in conjunction with live instruction. The board shall provide the course material, the instructors, and the facilities at the regional sites throughout the state that are used for the pre-basic course. In addition, the board may certify pre-basic courses that may be conducted by other public or private training entities, including postsecondary educational institutions.

(g) The board shall adopt rules under IC 4-22-2 to establish a mandatory inservice training program for police officers. After June 30, 1993, a law enforcement officer who has satisfactorily completed basic training and has been appointed to a law enforcement department or agency on either a full-time or part-time basis is not eligible for continued employment unless the officer satisfactorily completes the mandatory inservice training requirements established by rules adopted by the board. Inservice training must include training in interacting with persons with mental illness, addictive disorders, mental retardation, *autism*, and developmental disabilities, to be provided by persons approved by the secretary of family and social services and the board, and training concerning human and sexual trafficking. The board may approve courses offered by other public or private training entities, including postsecondary educational institutions, as necessary in order to ensure the availability of an adequate number of inservice training programs. The board may waive an officer's inservice training requirements if the board determines that the officer's reason for lacking the required amount of inservice training hours is due to either of the following:

- (1) An emergency situation.
- (2) The unavailability of courses.

(h) The board shall also adopt rules establishing a town marshal basic training program, subject to the following:

- (1) The program must require fewer hours of instruction and class attendance and fewer courses of study than are required for the mandated basic training program.
- (2) Certain parts of the course materials may be studied by a candidate at the candidate's home in order to fulfill requirements of the program.
- (3) Law enforcement officers successfully completing the



requirements of the program are eligible for appointment only in towns employing the town marshal system (IC 36-5-7) and having not more than one (1) marshal and two (2) deputies.

(4) The limitation imposed by subdivision (3) does not apply to an officer who has successfully completed the mandated basic training program.

(5) The time limitations imposed by subsections (b) and (c) for completing the training are also applicable to the town marshal basic training program.

*(6) The program must require training in interacting with individuals with autism.*

(i) The board shall adopt rules under IC 4-22-2 to establish an executive training program. The executive training program must include training in the following areas:

- (1) Liability.
- (2) Media relations.
- (3) Accounting and administration.
- (4) Discipline.
- (5) Department policy making.
- (6) Lawful use of force.
- (7) Department programs.
- (8) Emergency vehicle operation.
- (9) Cultural diversity.

(j) A police chief shall apply for admission to the executive training program within two (2) months of the date the police chief initially takes office. A police chief must successfully complete the executive training program within six (6) months of the date the police chief initially takes office. However, if space in the executive training program is not available at a time that will allow completion of the executive training program within six (6) months of the date the police chief initially takes office, the police chief must successfully complete the next available executive training program that is offered after the police chief initially takes office.

(k) A police chief who fails to comply with subsection (j) may not continue to serve as the police chief until completion of the executive training program. For the purposes of this subsection and subsection (j), "police chief" refers to:

- (1) the police chief of any city;
- (2) the police chief of any town having a metropolitan police department; and
- (3) the chief of a consolidated law enforcement department established under IC 36-3-1-5.1.

A town marshal is not considered to be a police chief for these purposes, but a town marshal may enroll in the executive training program.

(l) A fire investigator in the division of fire and building safety



1 appointed after December 31, 1993, is required to comply with the  
2 basic training standards established under this chapter.

3 (m) The board shall adopt rules under IC 4-22-2 to establish a  
4 program to certify handgun safety courses, including courses offered  
5 in the private sector, that meet standards approved by the board for  
6 training probation officers in handgun safety as required by  
7 IC 11-13-1-3.5(3).

8 (n) The board shall adopt rules under IC 4-22-2 to establish a  
9 refresher course for an officer who:

10 (1) is hired by an Indiana law enforcement department or agency  
11 as a law enforcement officer;

12 (2) has not been employed as a law enforcement officer for at  
13 least two (2) years and less than six (6) years before the officer is  
14 hired under subdivision (1) due to the officer's resignation or  
15 retirement; and

16 (3) completed at any time a basic training course certified by the  
17 board before the officer is hired under subdivision (1).

18 (o) The board shall adopt rules under IC 4-22-2 to establish a  
19 refresher course for an officer who:

20 (1) is hired by an Indiana law enforcement department or agency  
21 as a law enforcement officer;

22 (2) has not been employed as a law enforcement officer for at  
23 least six (6) years and less than ten (10) years before the officer  
24 is hired under subdivision (1) due to the officer's resignation or  
25 retirement;

26 (3) is hired under subdivision (1) in an upper level policymaking  
27 position; and

28 (4) completed at any time a basic training course certified by the  
29 board before the officer is hired under subdivision (1).

30 A refresher course established under this subsection may not exceed  
31 one hundred twenty (120) hours of course work. All credit hours  
32 received for successfully completing the police chief executive training  
33 program under subsection (i) shall be applied toward the refresher  
34 course credit hour requirements.

35 (p) Subject to subsection (q), an officer to whom subsection (n) or  
36 (o) applies must successfully complete the refresher course described  
37 in subsection (n) or (o) not later than six (6) months after the officer's  
38 date of hire, or the officer loses the officer's powers of:

39 (1) arrest;

40 (2) search; and

41 (3) seizure.

42 (q) A law enforcement officer who has worked as a law enforcement  
43 officer for less than twenty-five (25) years before being hired under  
44 subsection (n)(1) or (o)(1) is not eligible to attend the refresher course  
45 described in subsection (n) or (o) and must repeat the full basic training  
46 course to regain law enforcement powers. However, a law enforcement



officer who has worked as a law enforcement officer for at least twenty-five (25) years before being hired under subsection (n)(1) or (o)(1) and who otherwise satisfies the requirements of subsection (n) or (o) is not required to repeat the full basic training course to regain law enforcement power but shall attend the refresher course described in subsection (n) or (o) and the pre-basic training course established under subsection (f).

(r) This subsection applies only to a gaming agent employed as a law enforcement officer by the Indiana gaming commission. A gaming agent appointed after June 30, 2005, may exercise the police powers described in subsection (d) if:

- (1) the agent successfully completes the pre-basic course established in subsection (f); and
- (2) the agent successfully completes any other training courses established by the Indiana gaming commission in conjunction with the board.

(s) This subsection applies only to a securities enforcement officer designated as a law enforcement officer by the securities commissioner. A securities enforcement officer may exercise the police powers described in subsection (d) if:

- (1) the securities enforcement officer successfully completes the pre-basic course established in subsection (f); and
- (2) the securities enforcement officer successfully completes any other training courses established by the securities commissioner in conjunction with the board.

(t) As used in this section, "upper level policymaking position" refers to the following:

- (1) If the authorized size of the department or town marshal system is not more than ten (10) members, the term refers to the position held by the police chief or town marshal.
- (2) If the authorized size of the department or town marshal system is more than ten (10) members but less than fifty-one (51) members, the term refers to:
  - (A) the position held by the police chief or town marshal; and
  - (B) each position held by the members of the police department or town marshal system in the next rank and pay grade immediately below the police chief or town marshal.
- (3) If the authorized size of the department or town marshal system is more than fifty (50) members, the term refers to:
  - (A) the position held by the police chief or town marshal; and
  - (B) each position held by the members of the police department or town marshal system in the next two (2) ranks and pay grades immediately below the police chief or town marshal.

(u) *This subsection applies only to a correctional police officer employed by the department of correction. A correctional police officer*



1 *may exercise the police powers described in subsection (d) if:*

2 *(1) the officer successfully completes the pre-basic course*  
3 *described in subsection (f); and*

4 *(2) the officer successfully completes any other training courses*  
5 *established by the department of correction in conjunction with*  
6 *the board.*

7 SECTION 11. IC 5-2-9-1.2, AS ADDED BY P.L.116-2009,  
8 SECTION 1, AND AS ADDED BY P.L.130-2009, SECTION 6, IS  
9 CORRECTED AND AMENDED TO READ AS FOLLOWS  
10 [EFFECTIVE UPON PASSAGE]: Sec. 1.2. As used in this chapter,  
11 "IDACS coordinator" means *an individual who holds an administrative*  
12 *position within a law enforcement agency that has operational Indiana*  
13 *data and communication system (IDACS) terminals and who is*  
14 *appointed by the director of the law enforcement agency.*

15 SECTION 12. IC 5-2-9-1.4, AS ADDED BY P.L.116-2009,  
16 SECTION 2, AND AS ADDED BY P.L.130-2009, SECTION 7, IS  
17 CORRECTED AND AMENDED TO READ AS FOLLOWS  
18 [EFFECTIVE UPON PASSAGE]: Sec. 1.4. As used in this chapter,  
19 "Indiana protective order registry" or "registry" means *the Indiana*  
20 *protective order registry an Internet based registry of protective orders*  
21 *established under section 5.5 of this chapter and developed and*  
22 *maintained by the division of state court administration.*

23 SECTION 13. IC 5-2-9-1.7, AS AMENDED BY P.L.116-2009,  
24 SECTION 3, AND AS AMENDED BY P.L.130-2009, SECTION 8, IS  
25 CORRECTED AND AMENDED TO READ AS FOLLOWS  
26 [EFFECTIVE UPON PASSAGE]: Sec. 1.7. As used in this chapter,  
27 "protected person" means a person or an employer (as defined in  
28 IC 34-26-6-4) protected under a protective order, *as defined in section*  
29 *2.1 of this chapter.*

30 SECTION 14. IC 5-2-9-5.5, AS ADDED BY P.L.116-2009,  
31 SECTION 5, AND AS ADDED BY P.L.130-2009, SECTION 10, IS  
32 CORRECTED AND AMENDED TO READ AS FOLLOWS  
33 [EFFECTIVE UPON PASSAGE]: Sec. 5.5. (a) The Indiana protective  
34 order registry is established.

35 (b) The registry is an *Internet based*, electronic depository for  
36 protective orders. Copies of all protective orders shall be retained in the  
37 registry.

38 (c) The registry must contain confidential information about  
39 protected persons.

40 (d) The division of state court administration shall create, manage,  
41 and maintain the registry.

42 (e) A protective order retained under section 5 of this chapter may  
43 be entered in the registry.

44 (f) *The division of state court administration shall make the*  
45 *protective order registry established by ~~IC 5-2-9-5.5~~, this section*  
46 *available so that county case management systems may interface with*





1 *the protective order registry by not later than December 31, 2009.*

2 (g) *The division of state court administration shall submit*  
 3 *information concerning a standard protocol for county case*  
 4 *management systems to interface with the protective order registry to*  
 5 *each:*

6 (1) *prosecuting attorney; and*

7 (2) *court.*

8 SECTION 15. IC 5-2-9-6.5, AS ADDED BY P.L.116-2009,  
 9 SECTION 7, AND AS ADDED BY P.L.130-2009, SECTION 12, IS  
 10 CORRECTED AND AMENDED TO READ AS FOLLOWS  
 11 [EFFECTIVE UPON PASSAGE]: Sec. 6.5. (a) After a court issues a  
 12 protective order and issues the order to the registry, an IDACS  
 13 coordinator may provide additional information about the parties in *the*  
 14 ~~an~~ order, including:

15 (1) dates of birth;

16 (2) Social Security numbers;

17 (3) driver license numbers; and

18 (4) physical descriptions of the parties;

19 to ensure the accuracy of the orders in the registry and information in  
 20 IDACS.

21 (b) A law enforcement agency that perfects service of a protective  
 22 order issued to the registry shall enter into the registry:

23 (1) the date and time the law enforcement agency received the  
 24 protective order;

25 (2) the location of the person who is the subject of the protective  
 26 order, if this information is available;

27 (3) the name and identification number of the law enforcement  
 28 officer who ~~served~~ *serves* the protective order; and

29 (4) the manner *in which* ~~that~~ the protective order *was* ~~is~~ served.

30 SECTION 16. IC 5-10.2-2-3, AS AMENDED BY P.L.165-2009,  
 31 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 32 UPON PASSAGE]: Sec. 3. (a) The annuity savings account consists of:

33 (1) the members' contributions; and

34 (2) the interest credits on these contributions in the guaranteed  
 35 fund or the gain or loss in market value on these contributions in  
 36 the alternative investment program, as specified in section 4 of  
 37 this chapter.

38 Each member shall be credited individually with the amount of the  
 39 member's contributions and interest credits.

40 (b) Each board shall maintain the annuity savings account program  
 41 in effect on December 31, 1995 (referred to in this chapter as the  
 42 guaranteed program). In addition, the board of the Indiana state  
 43 teachers' retirement fund shall establish and maintain a guaranteed  
 44 program within the 1996 account. Each board may establish investment  
 45 guidelines and limits on all types of investments (including, but not  
 46 limited to, stocks and bonds) and take other actions necessary to fulfill



its duty as a fiduciary of the annuity savings account, subject to the limitations and restrictions set forth in IC 5-10.3-5-3 and IC 5-10.4-3-10.

(c) Each board shall establish alternative investment programs within the annuity savings account of the public employees' retirement fund, the pre-1996 account, and the 1996 account, based on the following requirements:

(1) Each board shall maintain at least one (1) alternative investment program that is an indexed stock fund and one (1) alternative investment program that is a bond fund.

(2) The programs should represent a variety of investment objectives under IC 5-10.3-5-3.

(3) No program may permit a member to withdraw money from the member's account except as provided in IC 5-10.2-3 and IC 5-10.2-4.

(4) All administrative costs of each alternative program shall be paid from the earnings on that program or as may be determined by the rules of each board.

(5) Except as provided in section 4(e) of this chapter, a valuation of each member's account must be completed as of:

(A) the last day of each quarter; or

(B) another time as each board may specify by rule.

(d) The board must prepare, at least annually, an analysis of the guaranteed program and each alternative investment program. This analysis must:

(1) include a description of the procedure for selecting an alternative investment program;

(2) be understandable by the majority of members; and

(3) include a description of prior investment performance.

(e) A member may direct the allocation of the amount credited to the member among the guaranteed fund and any available alternative investment funds, subject to the following conditions:

(1) A member may make a selection or change an existing selection under rules established by each board. A board shall allow a member to make a selection or change any existing selection at least once each quarter.

(2) The board shall implement the member's selection beginning **on** the first day of the next calendar quarter that begins at least thirty (30) days after the selection is received by the board or **on** an alternate date established by the rules of each board. This date is the effective date of the member's selection.

(3) A member may select any combination of the guaranteed fund or any available alternative investment funds, in ten percent (10%) increments or smaller increments that may be established by the rules of each board.

(4) A member's selection remains in effect until a new selection



1 is made.

2 (5) On the effective date of a member's selection, the board shall  
3 reallocate the member's existing balance or balances in  
4 accordance with the member's direction, based on:

5 (A) for an alternative investment program balance, the market  
6 value on the effective date; and

7 (B) for any guaranteed program balance, the account balance  
8 on the effective date.

9 All contributions to the member's account shall be allocated as of  
10 the last day of that quarter or at an alternate time established by  
11 the rules of each board in accordance with the member's most  
12 recent effective direction. The board shall not reallocate the  
13 member's account at any other time.

14 (f) When a member who participates in an alternative investment  
15 program transfers the amount credited to the member from one (1)  
16 alternative investment program to another alternative investment  
17 program or to the guaranteed program, the amount credited to the  
18 member shall be valued at the market value of the member's  
19 investment, as of the day before the effective date of the member's  
20 selection or at an alternate time established by the rules of each board.  
21 When a member who participates in an alternative investment program  
22 retires, becomes disabled, dies, or suspends membership and withdraws  
23 from the fund, the amount credited to the member shall be the market  
24 value of the member's investment as of the last day of the quarter  
25 preceding the member's distribution or annuitization at retirement,  
26 disability, death, or suspension and withdrawal, plus contributions  
27 received after that date or at an alternate time established by the rules  
28 of each board.

29 (g) When a member who participates in the guaranteed program  
30 transfers the amount credited to the member to an alternative  
31 investment program, the amount credited to the member in the  
32 guaranteed program is computed without regard to market value and is  
33 based on the balance of the member's account in the guaranteed  
34 program as of the last day of the quarter preceding the effective date of  
35 the transfer. However, each board may by rule provide for an alternate  
36 valuation date. When a member who participates in the guaranteed  
37 program retires, becomes disabled, dies, or suspends membership and  
38 withdraws from the fund, the amount credited to the member shall be  
39 computed without regard to market value and is based on the balance  
40 of the member's account in the guaranteed program as of the last day  
41 of the quarter preceding the member's distribution or annuitization at  
42 retirement, disability, death, or suspension and withdrawal, plus any  
43 contributions received since that date plus interest since that date.  
44 However, each board may by rule provide for an alternate valuation  
45 date.

46 SECTION 17. IC 5-10.2-3-7.5, AS AMENDED BY P.L.113-2009,



SECTION 1, AND AS AMENDED BY P.L.115-2009, SECTION 2, IS  
CORRECTED AND AMENDED TO READ AS FOLLOWS  
[EFFECTIVE UPON PASSAGE]: Sec. 7.5. (a) *This subsection applies*  
*to members who die after March 31, 1990, and before January 1, 2007.*

A surviving dependent or surviving spouse of a member who dies in  
service is entitled to a survivor benefit if:

~~(1) the member dies after March 31, 1990;~~

~~(2) (1) the member has:~~

(A) at least ten (10) years of creditable service, if the member  
died in service as a member of the general assembly;

(B) at least fifteen (15) years of creditable service, if the  
member died in service in any other position covered by the  
retirement fund; or

(C) at least ten (10) years but not more than fourteen (14)  
years of creditable service if the member:

(i) was at least sixty-five (65) years of age; and

(ii) died in service in a position covered by the teachers'  
retirement fund; and

~~(3) (2) the surviving dependent or surviving spouse qualifies for~~  
a survivor benefit under subsection ~~(b)~~ (c) or ~~(c)~~ (d).

(b) *This subsection applies to members who die after December 31,*  
*2006. A surviving dependent or surviving spouse of a member who dies*  
*is entitled to a survivor benefit if:*

(1) *the member has:*

(A) *at least ten (10) years of creditable service, if the member*  
*died in service as a member of the general assembly;*

(B) *at least ten (10) years but not more than fourteen (14)*  
*years of creditable service if the member was at least sixty-five*  
*(65) years of age and died in service in a position covered by*  
*the fund (other than a position described in clause (A)); or*

(C) *at least fifteen (15) years of creditable service, if the*  
*member died in service in a position covered by the fund*  
*(other than a position described in clause (A)); and*

(2) *the surviving dependent or surviving spouse qualifies for a*  
*survivor benefit under subsection (c) or (d).*

~~(b)~~ (c) If a member described in subsection (a) or (b) dies with a  
surviving spouse who was married to the member for at least two (2)  
years, the surviving spouse is entitled to a survivor benefit equal to the  
monthly *pension* benefit that would have been payable to the spouse  
under the joint and survivor option of IC 5-10.2-4-7 upon the member's  
death following retirement at:

(1) fifty (50) years of age; or

(2) the actual date of death;

whichever is later. However, benefits payable under this subsection are  
subject to subsections ~~(e)~~ (f) and ~~(g)~~ (h).

~~(c)~~ (d) If a member described in subsection (a) or (b) dies without



a surviving spouse who was married to the member for at least two (2) years, but with a surviving dependent, the surviving dependent is entitled to a survivor benefit in a monthly amount equal to the actuarial equivalent of the monthly *pension* benefit that would have been payable to the spouse (assuming the spouse would have had the same birth date as the member) under the joint and survivor option of IC 5-10.2-4-7 upon the member's death following retirement at:

(1) fifty (50) years of age; or

(2) the actual date of death;

whichever is later. If there are two (2) or more surviving dependents, the actuarial equivalent of the benefit described in this subsection shall be calculated and, considering the dependents' attained ages, an equal dollar amount shall be determined as the monthly *pension* benefit to be paid to each dependent. Monthly *pension* benefits under this subsection are payable until the date the dependent becomes eighteen (18) years of age or dies, whichever is earlier. However, if a dependent has a permanent and total disability (using disability guidelines established by the Social Security Administration) at the date the dependent reaches eighteen (18) years of age, the monthly *pension* benefit is payable until the date the dependent no longer has a disability (using disability guidelines established by the Social Security Administration) or dies, whichever is earlier. Benefits payable under this subsection are subject to subsections ~~(e)~~ (f) and ~~(g)~~ (h).

~~(d)~~ (e) *This subsection applies if a member did not designate a beneficiary or the designated beneficiary does not survive the member. Except as provided in subsections ~~(e)~~ (f) and ~~(h)~~ (i), the surviving spouse or surviving dependent of a member who is entitled to a survivor benefit under subsection ~~(b)~~ (c) or ~~(c)~~ (d) or section 7.6 of this chapter may elect to receive a lump sum payment of the total amount credited to the member in the member's annuity savings account or an amount equal to the member's federal income tax basis in the member's annuity savings account as of December 31, 1986. A surviving spouse or surviving dependent who makes such an election is not entitled to an annuity as part of the survivor benefit under subsection ~~(b)~~ (c) or ~~(c)~~ (d) or section 7.6 of this chapter to the extent of the lump sum payment.*

~~(e)~~ (f) *If a member described in subsection (a) or (b) or section 7.6(a) of this chapter is survived by a designated beneficiary, who is not a surviving spouse or surviving dependent entitled to a survivor benefit under subsection (e) or (d) or section 7.6 of this chapter, the following provisions apply:*

(1) If the member is survived by one (1) designated beneficiary, the designated beneficiary is entitled to receive in a lump sum or over a period of up to five (5) years, as elected by the designated beneficiary, the amount credited to the member's annuity savings account, less any disability benefits paid to the member.

(2) If the member is survived by two (2) or more designated



beneficiaries, the designated beneficiaries are entitled to receive in a lump sum or over a period of up to five (5) years, as elected by the designated beneficiary, equal shares of the amount credited to the member's annuity savings account, less any disability benefits paid to the member.

(3) If the member is also survived by a spouse or dependent who is entitled to a survivor benefit under subsection ~~(b)~~ (c) or ~~(c)~~ (d) or section 7.6 of this chapter, the surviving spouse or dependent is not entitled to an annuity or a lump sum payment as part of the survivor benefit, unless the surviving spouse or dependent is also a designated beneficiary.

~~(f)~~ (g) If a member dies:

(1) without a surviving spouse or surviving dependent who qualifies for survivor benefits under subsection ~~(b)~~ (c) or ~~(c)~~ (d) or section 7.6 of this chapter; and

(2) without a surviving designated beneficiary who is entitled to receive the member's annuity savings account under subsection ~~(e)~~ (f);

the amount credited to the member's annuity savings account, less any disability benefits paid to the member, shall be paid to the member's estate.

~~(g)~~ (h) Survivor benefits payable under this section or section 7.6 of this chapter shall be reduced by any disability benefits paid to the member.

~~(h)~~ (i) Additional annuity contributions, if any, shall not be included in determining survivor benefits under subsection ~~(b)~~ (c) or ~~(c)~~ (d) or section 7.6 of this chapter, but are payable in a lump sum payment to:

(1) the member's surviving designated beneficiary; or

(2) the member's estate, if there is no surviving designated beneficiary.

~~(i)~~ (j) Survivor benefits provided under this section or section 7.6 of this chapter are subject to IC 5-10.2-2-1.5.

~~(j)~~ (k) A benefit specified in this section shall be forfeited and credited to the member's retirement fund if no person entitled to the benefit claims it within three (3) years after the member's death. However, the board may honor a claim that is made more than three (3) years after the member's death if the board finds, in the board's discretion, that:

(1) the delay in making the claim was reasonable or other extenuating circumstances justify the award of the benefit to the claimant; and

(2) paying the claim would not cause a violation of the applicable Internal Revenue Service rules.

SECTION 18. IC 5-10.2-10-13, AS ADDED BY P.L.67-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. (a) As used in this chapter, "scrutinized



company" means a company that meets any of the following criteria:

(1) Both of the following apply to the company:

(A) The company has business operations that involve contracts with or the provision of supplies or services to:

(i) a state sponsor of terror;

(ii) companies in which a state sponsor of terror has any direct or indirect equity share;

(iii) consortiums or projects commissioned by a state sponsor of terror; or

(iv) companies involved in consortiums or projects commissioned by a state sponsor of terror.

(B) Either:

(i) more than ten percent (10%) of the company's revenues or assets is linked to a state sponsor of terror involve oil related activities or mineral extraction activities; or

(ii) more than ten percent (10%) of the company's revenues or assets is linked to a state sponsor of terror involve power production activities.

(2) The company supplies military equipment to a state sponsor of terror, unless the company implements safeguards to prevent the use of the equipment by forces actively participating in an armed conflict in a state sponsor of terror. This subdivision does not apply to companies involved in the sale of military equipment solely to any internationally recognized peacekeeping force or humanitarian organization.

(b) The term does not include a social development company.

SECTION 19. IC 6-1.1-1-24, AS AMENDED BY P.L.3-2008, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 24. If a transfer from a township assessor to the county assessor of the assessment duties prescribed by this article results from the failure of a person elected to the office of township assessor to attain the certification of a level two assessor-appraiser as provided in IC 3-8-1-23.6, as described in ~~IC 36-2-15-5(c)~~, **IC 36-2-15-5(c)**, a reference to the township assessor in this article is considered to be a reference to the county assessor.

SECTION 20. IC 6-1.1-12-2, AS AMENDED BY P.L.182-2009(ss), SECTION 108, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) Except as provided in section 17.8 of this chapter and subject to section 45 of this chapter, **for a person** to qualify for the deduction provided by section 1 of this chapter, a statement must be filed under subsection (b) or (c).

(b) Subject to subsection (c), to apply for the deduction under section 1 of this chapter with respect to real property, the person recording the mortgage, contract, or memorandum of the contract with the county recorder may file a written statement with the county recorder containing the information described in subsection (e)(1),



(e)(2), (e)(3), (e)(4), (e)(6), (e)(7), and (e)(8). The statement must be prepared on the form prescribed by the department of local government finance and be signed by the property owner or contract purchaser under the penalties of perjury. The form must have a place for the county recorder to insert the record number and page where the mortgage, contract, or memorandum of the contract is recorded. Upon receipt of the form and the recording of the mortgage, contract, or memorandum of the contract, the county recorder shall insert on the form the record number and page where the mortgage, contract, or memorandum of the contract is recorded and forward the completed form to the county auditor. The county recorder may not impose a charge for the county recorder's duties under this subsection. The statement must be completed and dated in the calendar year for which the person wishes to obtain the deduction and filed with the county recorder on or before January 5 of the immediately succeeding calendar year.

(c) With respect to:

(1) real property as an alternative to a filing under subsection (b);  
or

(2) a mobile home that is not assessed as real property or a manufactured home that is not assessed as real property;

to apply for a deduction under section 1 of this chapter, a person who desires to claim the deduction may file a statement in duplicate, on forms prescribed by the department of local government finance, with the auditor of the county in which the real property, mobile home not assessed as real property, or manufactured home not assessed as real property is located. With respect to real property the statement must be completed and dated in the calendar year for which the person wishes to obtain the deduction and filed with the county auditor on or before January 5 of the immediately succeeding calendar year. With respect to a mobile home that is not assessed as real property or a manufactured home that is not assessed as real property, the statement must be filed during the twelve (12) months before March 31 of each year for which the individual wishes to obtain the deduction. The statement may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing. In addition to the statement required by this subsection, a contract buyer who desires to claim the deduction must submit a copy of the recorded contract or recorded memorandum of the contract, which must contain a legal description sufficient to meet the requirements of IC 6-1.1-5, with the first statement that the buyer files under this section with respect to a particular parcel of real property.

(d) Upon receipt of:

(1) the statement under subsection (b); or

(2) the statement under subsection (c) and the recorded contract or recorded memorandum of the contract;





the county auditor shall assign a separate description and identification number to the parcel of real property being sold under the contract.

(e) The statement referred to in subsections (b) and (c) must be verified under penalties for perjury. The statement must contain the following information:

(1) The balance of the person's mortgage or contract indebtedness on the assessment date of the year for which the deduction is claimed.

(2) The assessed value of the real property, mobile home, or manufactured home.

(3) The full name and complete residence address of the person and of the mortgagee or contract seller.

(4) The name and residence of any assignee or bona fide owner or holder of the mortgage or contract, if known, and if not known, the person shall state that fact.

(5) The record number and page where the mortgage, contract, or memorandum of the contract is recorded.

(6) A brief description of the real property, mobile home, or manufactured home which is encumbered by the mortgage or sold under the contract.

(7) If the person is not the sole legal or equitable owner of the real property, mobile home, or manufactured home, the exact share of the person's interest in it.

(8) The name of any other county in which the person has applied for a deduction under this section and the amount of deduction claimed in that application.

(f) The authority for signing a deduction application filed under this section may not be delegated by the real property, mobile home, or manufactured home owner or contract buyer to any person except upon an executed power of attorney. The power of attorney may be contained in the recorded mortgage, contract, or memorandum of the contract, or in a separate instrument.

(g) A closing agent (as defined in ~~IC 6-1.1-12-43(a)(2)~~; **section 12(a)(2) of this chapter**) is not liable for any damages claimed by the property owner or contract purchaser because of:

(1) the closing agent's failure to provide the written statement described in subsection (b);

(2) the closing agent's failure to file the written statement described in subsection (b);

(3) any omission or inaccuracy in the written statement described in subsection (b) that is filed with the county recorder by the closing agent; or

(4) any determination made with respect to a property owner's or contract purchaser's eligibility for the deduction under section 1 of this chapter.

(h) The county recorder may not refuse to record a mortgage,



contract, or memorandum because the written statement described in subsection (b):

- (1) is not included with the mortgage, contract, or memorandum of the contract;
- (2) does not contain the signatures required by subsection (b);
- (3) does not contain the information described in subsection (e); or
- (4) is otherwise incomplete or inaccurate.

SECTION 21. IC 6-1.1-18-2, AS AMENDED BY P.L.146-2008, SECTION 165, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) Before January 1, 2009, the state may not impose a combined ad valorem property tax rate on tangible property that exceeds the sum of the ad valorem property tax rates permitted under IC 4-9.1-1-8, ~~IC 14-23-3-3~~, and IC 15-1.5-7-3 (before July 1, 2008), and IC 15-13-8-3 (after June 30, 2008, and before January 1, 2009). The state tax rate is not subject to review by county boards of tax adjustment or county auditors.

(b) Except as permitted under IC 4-9.1-1-8 to repay notes issued to meet casual deficits in state revenue, the state may not impose an ad valorem property tax rate on tangible property after December 31, 2008.

(c) This section does not apply to political subdivisions of the state.

SECTION 22. IC 6-1.1-18-3, AS AMENDED BY P.L.146-2008, SECTION 166, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) Except as provided in subsection (b), the sum of all tax rates for all political subdivisions imposed on tangible property within a political subdivision may not exceed:

- (1) forty-one and sixty-seven hundredths cents (\$0.4167) on each one hundred dollars (\$100) of assessed valuation in territory outside the corporate limits of a city or town; or
- (2) sixty-six and sixty-seven hundredths cents (\$0.6667) on each one hundred dollars (\$100) of assessed valuation in territory inside the corporate limits of a city or town.

(b) The proper officers of a political subdivision shall fix tax rates which are sufficient to provide funds for the purposes itemized in this subsection. The portion of a tax rate fixed by a political subdivision shall not be considered in computing the tax rate limits prescribed in subsection (a) if that portion is to be used for one (1) of the following purposes:

- (1) To pay the principal or interest on a funding, refunding, or judgment funding obligation of the political subdivision.
- (2) To pay the principal or interest on an outstanding obligation issued by the political subdivision if notice of the sale of the obligation was published before March 9, 1937.
- (3) To pay the principal or interest upon:



- 1 (A) an obligation issued by the political subdivision to meet an  
 2 emergency which results from a flood, fire, pestilence, war, or  
 3 any other major disaster; or  
 4 (B) a note issued under IC 36-2-6-18, IC 36-3-4-22,  
 5 IC 36-4-6-20, or IC 36-5-2-11 to enable a city, town, or county  
 6 to acquire necessary equipment or facilities for municipal or  
 7 county government.
- 8 (4) To pay the principal or interest upon an obligation issued in  
 9 the manner provided in:
- 10 (A) IC 6-1.1-20-3 (before its repeal);  
 11 (B) IC 6-1.1-20-3.1 through IC 6-1.1-20-3.2; or  
 12 (C) IC 6-1.1-20-3.5 through IC 6-1.1-20-3.6.
- 13 (5) To pay a judgment rendered against the political subdivision.
- 14 ~~(6) This subdivision expires January 1, 2009. To meet the~~  
 15 ~~requirements of the family and children's fund for child services~~  
 16 ~~(as defined in IC 12-19-7-1, before its repeal).~~
- 17 ~~(7) This subdivision expires January 1, 2009. To meet the~~  
 18 ~~requirements of the county hospital care for the indigent fund.~~
- 19 ~~(8) This subdivision expires January 1, 2009. To meet the~~  
 20 ~~requirements of the children's psychiatric residential treatment~~  
 21 ~~services fund for children's psychiatric residential treatment~~  
 22 ~~services (as defined in IC 12-19-7.5-1, before its repeal).~~
- 23 (c) Except as otherwise provided in IC 6-1.1-19 (before January 1,  
 24 2009), IC 6-1.1-18.5, IC 20-45 (before January 1, 2009), or IC 20-46,  
 25 a county board of tax adjustment, a county auditor, or the department  
 26 of local government finance may review the portion of a tax rate  
 27 described in subsection (b) only to determine if it exceeds the portion  
 28 actually needed to provide for one (1) of the purposes itemized in that  
 29 subsection.
- 30 SECTION 23. IC 6-1.1-20.6-7, AS AMENDED BY P.L.146-2008,  
 31 SECTION 222, IS AMENDED TO READ AS FOLLOWS  
 32 [EFFECTIVE UPON PASSAGE]: Sec. 7. ~~(a) This subsection expires~~  
 33 ~~January 1, 2009. In the case of a credit authorized under section 6 of~~  
 34 ~~this chapter or provided by section 6.5(a) or 6.5(b) of this chapter for~~  
 35 ~~property taxes first due and payable in a calendar year:~~
- 36 (1) a person is entitled to a credit against the person's property tax  
 37 liability for property taxes first due and payable in that calendar  
 38 year attributable to:
- 39 (A) the person's qualified residential property located in the  
 40 county, in the case of a calendar year before 2008; or  
 41 (B) the person's homestead: (as defined in IC 6-1.1-20.9-1)  
 42 property located in the county, in the case of a calendar year  
 43 after 2007 and before 2009; and
- 44 (2) the amount of the credit is the amount by which the person's  
 45 property tax liability attributable to:
- 46 (A) the person's qualified residential property, in the case of a



1           calendar year before 2008; or  
 2           (B) the person's homestead property, in the case of a calendar  
 3           year after 2007 and before 2009;  
 4 for property taxes first due and payable in that calendar year exceeds  
 5 two percent (2%) of the gross assessed value that is the basis for  
 6 determination of property taxes on the qualified residential property (in  
 7 the case of a calendar year before 2008) or the person's homestead  
 8 property (in the case of a calendar year after 2007 and before 2009) for  
 9 property taxes first due and payable in that calendar year; as adjusted  
 10 under subsection (b):

11       (b) This subsection expires January 1, 2009. This subsection applies  
 12 to property taxes first due and payable in 2008. The amount of a credit  
 13 to which a person is entitled under subsection (a) in a county shall be  
 14 determined without including a taxpayer's property tax liability for  
 15 tuition support. Notwithstanding any other provision of this chapter, a  
 16 school corporation's tuition support property tax levy collections may  
 17 not be reduced because of a credit under this chapter.

18       (c) (a) This subsection applies to property taxes first due and  
 19 payable in 2009. A person is entitled to a credit against the person's  
 20 property tax liability for property taxes first due and payable in 2009.  
 21 The amount of the credit is the amount by which the person's property  
 22 tax liability attributable to the person's:

- 23           (1) homestead exceeds one and five-tenths percent (1.5%);
- 24           (2) residential property exceeds two and five-tenths percent
- 25           (2.5%);
- 26           (3) long term care property exceeds two and five-tenths percent
- 27           (2.5%);
- 28           (4) agricultural land exceeds two and five-tenths percent (2.5%);
- 29           (5) nonresidential real property exceeds three and five-tenths
- 30           percent (3.5%); or
- 31           (6) personal property exceeds three and five-tenths percent
- 32           (3.5%);

33 of the gross assessed value of the property that is the basis for  
 34 determination of property taxes for that calendar year.

35       (d) (b) This subsection applies to property taxes first due and  
 36 payable in 2009. Property taxes imposed after being approved by the  
 37 voters in a referendum or local public question shall not be considered  
 38 for purposes of calculating a person's credit under this section.

39       (e) (c) This subsection applies to property taxes first due and  
 40 payable in 2009. As used in this subsection, "eligible county" means  
 41 only a county for which the general assembly determines in 2008 that  
 42 limits to property tax liability under this chapter are expected to reduce  
 43 in 2010 the aggregate property tax revenue that would otherwise be  
 44 collected by all units of local government and school corporations in  
 45 the county by at least twenty percent (20%). Property taxes imposed in  
 46 an eligible county to pay debt service or make lease payments for



bonds or leases issued or entered into before July 1, 2008, shall not be considered for purposes of calculating a person's credit under this section.

SECTION 24. IC 6-1.1-22-8.1, AS AMENDED BY P.L.87-2009, SECTION 7, AND AS AMENDED BY P.L.136-2009, SECTION 7, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8.1. (a) *This section applies only to property taxes and special assessments first due and payable after December 31, 2007.*

~~(b)~~ The county treasurer shall:

(1) *except as provided in subsection (h)*, mail to the last known address of each person liable for any property taxes or special assessment, as shown on the tax duplicate or special assessment records, or to the last known address of the most recent owner shown in the transfer book; and

(2) transmit by written, electronic, or other means to a mortgagee maintaining an escrow account for a person who is liable for any property taxes or special assessments, as shown on the tax duplicate or special assessment records;

a statement in the form required under subsection ~~(c)~~ (b). However, for property taxes first due and payable in 2008, the county treasurer may choose to use a tax statement that is different from the tax statement prescribed by the department under subsection ~~(c)~~ (b). If a county chooses to use a different tax statement, the county must still transmit (with the tax bill) the statement in either color type or black-and-white type.

~~(c)~~ (b) The department of local government finance shall prescribe a form, subject to the approval of the state board of accounts, for the statement under subsection ~~(b)~~ (a) that includes at least the following:

(1) A statement of the taxpayer's current and delinquent taxes and special assessments.

(2) A breakdown showing the total property tax and special assessment liability and the amount of the taxpayer's liability that will be distributed to each taxing unit in the county.

(3) An itemized listing for each property tax levy, including:

(A) the amount of the tax rate;

(B) the entity levying the tax owed; and

(C) the dollar amount of the tax owed.

(4) Information designed to show the manner in which the taxes and special assessments billed in the tax statement are to be used.

(5) A comparison showing any change in the assessed valuation for the property as compared to the previous year.

(6) A comparison showing any change in the property tax and special assessment liability for the property as compared to the previous year. The information required under this subdivision must identify:



(A) the amount of the taxpayer's liability distributable to each taxing unit in which the property is located in the current year and in the previous year; and

(B) the percentage change, if any, in the amount of the taxpayer's liability distributable to each taxing unit in which the property is located from the previous year to the current year.

(7) An explanation of the following:

(A) ~~The~~ Homestead ~~credit and credits~~ under IC 6-1.1-20.4, IC 6-3.5-6-13, or another law that are available in the taxing district where the property is located.

(B) All property tax deductions that are available in the taxing district where the property is located.

~~(B)~~ (C) The procedure and deadline for filing for ~~the~~ any available homestead ~~credit~~ credits under IC 6-1.1-20.4, IC 6-3.5-6-13, or another law and each deduction.

~~(C)~~ (D) The procedure that a taxpayer must follow to:

(i) appeal a current assessment; or

(ii) petition for the correction of an error related to the taxpayer's property tax and special assessment liability.

~~(D)~~ (E) The forms that must be filed for an appeal or a petition described in clause ~~(C)~~ (D).

(F) ~~The procedure and deadline that a taxpayer must follow and the forms that must be used if a credit or deduction has been granted for the property and the taxpayer is no longer eligible for the credit or deduction.~~

~~(E)~~ (G) Notice that an appeal described in clause ~~(C)~~ (D) requires evidence relevant to the true tax value of the taxpayer's property as of the assessment date that is the basis for the taxes payable on that property.

The department of local government finance shall provide the explanation required by this subdivision to each county treasurer.

(8) A checklist that shows:

(A) ~~the~~ homestead ~~credit~~ credits under IC 6-1.1-20.4, IC 6-3.5-6-13, or another law and all property tax deductions; and

(B) whether ~~the~~ each homestead credit and ~~each~~ property tax deduction applies in the current statement for the property transmitted under subsection ~~(b)~~ (a).

(9) This subdivision applies to any property for which a deduction or credit is listed under subdivision (8) if the notice required under this subdivision was not provided to a taxpayer on a reconciling statement under IC 6-1.1-22.5-12. The statement must include in 2010, 2011, and 2012 a notice that must be returned by the taxpayer to the county auditor with the taxpayer's verification of the items required by this subdivision. The notice



1        *must explain the tax consequences and applicable penalties if a*  
 2        *taxpayer unlawfully claims a standard deduction under*  
 3        *IC 6-1.1-12-37 on:*

4        *(A) more than one (1) parcel of property; or*

5        *(B) property that is not the taxpayer's principal place of*  
 6        *residence or is otherwise not eligible for the standard*  
 7        *deduction.*

8        *The notice must include a place for the taxpayer to indicate,*  
 9        *under penalties of perjury, for each deduction and credit listed*  
 10        *under subdivision (8), whether the property is eligible for the*  
 11        *deduction or credit listed under subdivision (8). The notice must*  
 12        *also include a place for each individual who qualifies the*  
 13        *property for a deduction or credit listed in subdivision (8) to*  
 14        *indicate the name of the individual and the name of the*  
 15        *individual's spouse (if any), as the names appear in the records*  
 16        *of the United States Social Security Administration for the*  
 17        *purposes of the issuance of a Social Security card and Social*  
 18        *Security number (or that they use as their legal names when they*  
 19        *sign their names on legal documents), and either the last five (5)*  
 20        *digits of each individual's Social Security number or, if an*  
 21        *individual does not have a Social Security number, the numbers*  
 22        *required from the individual under IC 6-1.1-12-37(e)(4)(B). The*  
 23        *notice must explain that the taxpayer must complete and return*  
 24        *the notice with the required information and that failure to*  
 25        *complete and return the notice may result in disqualification of*  
 26        *property for deductions and credits listed in subdivision (8), must*  
 27        *explain how to return the notice, and must be on a separate form*  
 28        *printed on paper that is a different color than the tax statement.*  
 29        *The notice must be prepared in the form prescribed by the*  
 30        *department of local government finance and include any*  
 31        *additional information required by the department of local*  
 32        *government finance. This subdivision expires January 1, 2015.*

33        ~~(d)~~ (c) *The county treasurer may mail or transmit the statement one*  
 34        *(1) time each year at least fifteen (15) days before the date on which*  
 35        *the first or only installment is due. Whenever a person's tax liability for*  
 36        *a year is due in one (1) installment under IC 6-1.1-7-7 or section 9 of*  
 37        *this chapter, a statement that is mailed must include the date on which*  
 38        *the installment is due and denote the amount of money to be paid for*  
 39        *the installment. Whenever a person's tax liability is due in two (2)*  
 40        *installments, a statement that is mailed must contain the dates on which*  
 41        *the first and second installments are due and denote the amount of*  
 42        *money to be paid for each installment. If a statement is returned to the*  
 43        *county treasurer as undeliverable and the forwarding order is expired,*  
 44        *the county treasurer shall notify the county auditor of this fact. Upon*  
 45        *receipt of the county treasurer's notice, the county auditor may, at the*  
 46        *county auditor's discretion, treat the property as not being eligible for*



1 *any deductions under IC 6-1.1-12 or any homestead credits under*  
 2 *IC 6-1.1-20.4 and IC 6-3.5-6-13.*

3 ~~(c)~~ (d) All payments of property taxes and special assessments shall  
 4 be made to the county treasurer. The county treasurer, when authorized  
 5 by the board of county commissioners, may open temporary offices for  
 6 the collection of taxes in cities and towns in the county other than the  
 7 county seat.

8 ~~(f)~~ (e) The county treasurer, county auditor, and county assessor  
 9 shall cooperate to generate the information to be included in the  
 10 statement under subsection ~~(c)~~ (b).

11 ~~(g)~~ (f) The information to be included in the statement under  
 12 subsection ~~(c)~~ (b) must be simply and clearly presented and  
 13 understandable to the average individual.

14 ~~(h)~~ (g) After December 31, 2007, a reference in a law or rule to  
 15 IC 6-1.1-22-8 (expired January 1, 2008, and repealed) shall be treated  
 16 as a reference to this section.

17 (h) *Transmission of statements and other information under this*  
 18 *subsection applies in a county only if the county legislative body*  
 19 *adopts an authorizing ordinance. Subject to subsection (i), in a county*  
 20 *in which an ordinance is adopted under this subsection for property*  
 21 *taxes and special assessments first due and payable after 2009, a*  
 22 *person may direct the county treasurer and county auditor to transmit*  
 23 *the following to the person by electronic mail:*

24 (1) *A statement that would otherwise be sent by the county*  
 25 *treasurer to the person by regular mail under subsection (a)(1),*  
 26 *including a statement that reflects installment payment due dates*  
 27 *under section 9.5 or 9.7 of this chapter.*

28 (2) *A provisional tax statement that would otherwise be sent by*  
 29 *the county treasurer to the person by regular mail under*  
 30 *IC 6-1.1-22.5-6.*

31 (3) *A reconciling tax statement that would otherwise be sent by*  
 32 *the county treasurer to the person by regular mail under any of*  
 33 *the following:*

34 (A) *Section 9 of this chapter.*

35 (B) *Section 9.7 of this chapter.*

36 (C) *IC 6-1.1-22.5-12, including a statement that reflects*  
 37 *installment payment due dates under IC 6-1.1-22.5-18.5.*

38 (4) *A statement that would otherwise be sent by the county*  
 39 *auditor to the person by regular mail under IC 6-1.1-17-3(b).*

40 (5) *Any other information that:*

41 (A) *concerns the property taxes or special assessments; and*

42 (B) *would otherwise be sent:*

43 (i) *by the county treasurer or the county auditor to the*  
 44 *person by regular mail; and*

45 (ii) *before the last date the property taxes or special*  
 46 *assessments may be paid without becoming delinquent.*





1       (i) For property with respect to which more than one (1) person is  
 2       liable for property taxes and special assessments, subsection (h)  
 3       applies only if all the persons liable for property taxes and special  
 4       assessments designate the electronic mail address for only one (1)  
 5       individual authorized to receive the statements and other information  
 6       referred to in subsection (h).

7       (j) Before 2010, the department of local government finance shall  
 8       create a form to be used to implement subsection (h). The county  
 9       treasurer and county auditor shall:

10       (1) make the form created under this subsection available to the  
 11       public;

12       (2) transmit a statement or other information by electronic mail  
 13       under subsection (h) to a person who, at least thirty (30) days  
 14       before the anticipated general mailing date of the statement or  
 15       other information, files the form created under this subsection:

16           (A) with the county treasurer; or

17           (B) with the county auditor; and

18       (3) publicize the availability of the electronic mail option under  
 19       this subsection through appropriate media in a manner  
 20       reasonably designed to reach members of the public.

21       (k) The form referred to in subsection (j) must:

22       (1) explain that a form filed as described in subsection (j)(2)  
 23       remains in effect until the person files a replacement form to:

24           (A) change the person's electronic mail address; or

25           (B) terminate the electronic mail option under subsection (h);  
 26       and

27       (2) allow a person to do at least the following with respect to the  
 28       electronic mail option under subsection (h):

29           (A) Exercise the option.

30           (B) Change the person's electronic mail address.

31           (C) Terminate the option.

32           (D) For a person other than an individual, designate the  
 33       electronic mail address for only one (1) individual authorized  
 34       to receive the statements and other information referred to in  
 35       subsection (h).

36           (E) For property with respect to which more than one (1)  
 37       person is liable for property taxes and special assessments,  
 38       designate the electronic mail address for only one (1)  
 39       individual authorized to receive the statements and other  
 40       information referred to in subsection (h).

41       (l) The form created under subsection (j) is considered filed with the  
 42       county treasurer or the county auditor on the postmark date. If the  
 43       postmark is missing or illegible, the postmark is considered to be one  
 44       (1) day before the date of receipt of the form by the county treasurer  
 45       or the county auditor.

46       (m) The county treasurer shall maintain a record that shows at least



the following:

(1) Each person to whom a statement or other information is transmitted by electronic mail under this section.

(2) The information included in the statement.

(3) Whether the person received the statement.

SECTION 25. IC 8-1-26-24, AS ADDED BY P.L.62-2009, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 24. (a) The underground plant protection account is established to provide funding for the following programs established and administered by the commission:

(1) Public awareness programs concerning underground plant protection.

(2) Training and educational programs for contractors, excavators, locators, operators, and other persons involved in underground plant protection.

(3) Incentive programs for contractors, excavators, locators, operators, and other persons involved in underground plant protection to reduce the number of violations of this chapter.

(b) The commission shall administer the account.

(c) The treasurer of state shall invest money in the account not currently needed to meet the obligations of the account in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the account.

(d) Money in the account at the end of a state fiscal year does not revert to the state general fund.

(e) The expenses of administering the account shall be paid from money in the account.

(f) The account consists of penalties deposited under section ~~23(i)~~ **23(k)** of this chapter.

SECTION 26. IC 9-13-2-28, AS AMENDED BY P.L.107-2008, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 28. ~~(a) This subsection expires January 1, 2009. "Commercial driver training school", for purposes of IC 9-24-10-4 and IC 9-27-4, has the meaning set forth in IC 9-27-4-2.~~

~~(b)~~ This subsection applies after December 31, 2008. "Commercial driver training school", for purposes of IC 9-24-10-4, has the meaning set forth in IC 5-2-6.5-5.

SECTION 27. IC 9-24-11-3, AS AMENDED BY P.L.101-2009, SECTION 8, AS AMENDED BY P.L.76-2009, SECTION 4, AND P.L.162-2009, SECTION 2, AND AS AMENDED BY P.L.145-2009, SECTION 5, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. ~~(a) This section applies to a probationary operator's license issued before July 1, 2009.~~

~~(a)~~ (b) A license issued to an individual less than eighteen (18) years of age is a probationary license.

~~(b)~~ (c) An individual holds a probationary license subject to the



following conditions:

(1) Except as provided in IC 31-37-3, the individual may not operate a motor vehicle during the curfew hours specified in IC 31-37-3-2.

(2) During the ninety (90) days following the issuance of the probationary license, the individual may not operate a motor vehicle in which there are passengers unless another individual: ~~who:~~

(A) **who** is at least twenty-one (21) years of age and ~~(B)~~ holds a valid operator's license issued under this article; *or*

(B) ~~who is the individual's parent, guardian, or stepparent of the operator who~~ **individual holding a probationary license and who is at least twenty-one (21) years of age;**

is present in the front seat of the motor vehicle.

(3) The individual may operate a motor vehicle only if:

(A) **a safety belt is properly fastened about the body of the individual;** and

(B) **a safety belt is properly fastened about the body of each occupant of the motor vehicle;**

~~has a safety belt properly fastened about the occupant's body~~ at all times when the motor vehicle is in motion.

~~(c)~~ (d) An individual who holds a probationary license issued under this section may receive an operator's license, a chauffeur's license, a public passenger chauffeur's license, or a commercial driver's license when the individual is at least eighteen (18) years of age.

~~(d)~~ (e) Except as provided in subsection ~~(e)~~, (f), a probationary license issued under this section:

(1) expires at midnight of the twenty-first birthday of the holder; and

(2) may not be renewed.

~~(e)~~ (f) A probationary license issued under this section to an individual who complies with IC 9-24-9-2.5(5) through ~~IC 9-24-9-2.5(9)~~ IC 9-24-9-2.5(10) expires:

(1) at midnight one (1) year after issuance if there is no expiration date on the authorization granted to the individual to remain in the United States; or

(2) if there is an expiration date on the authorization granted to the individual to remain in the United States, the earlier of the following:

(A) At midnight of the date the authorization to remain in the United States expires.

(B) At midnight of the twenty-first birthday of the holder.

SECTION 28. IC 9-24-11-3.3, AS ADDED BY P.L.101-2009, SECTION 9, AND AS ADDED BY P.L.145-2009, SECTION 6, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.3. (a) This section applies to



1 a probationary operator's license issued after June 30, 2009.

2 (b) A license issued to *or held by* an individual less than eighteen  
3 (18) years of age is a probationary license. ~~(e)~~ An individual holds a  
4 probationary license subject to the following conditions:

5 (1) Except as provided in *subdivision (3)*, ~~subsection (e)~~, the  
6 individual may not operate a motor vehicle from 10 p.m. until 5  
7 a.m. of the following morning during the first one hundred eighty  
8 (180) days after issuance of the probationary license.

9 (2) Except as provided in *subdivision (3)*, ~~subsection (e)~~, after one  
10 hundred eighty (180) days after issuance of the probationary  
11 license, and until the individual becomes eighteen (18) years of  
12 age, an individual may not operate a motor vehicle:

13 (A) between 1 a.m. and 5 a.m. on a Saturday or Sunday;

14 (B) after 11 p.m. on Sunday, Monday, Tuesday, Wednesday,  
15 or Thursday; or

16 (C) before 5 a.m. on Monday, Tuesday, Wednesday, Thursday,  
17 or Friday.

18 (3) *The individual may operate a motor vehicle during the*  
19 *periods described in subdivisions (1) and (2) if the individual*  
20 *operates the motor vehicle while:*

21 (A) *participating in, going to, or returning from:*

22 (i) *lawful employment;*

23 (ii) *a school sanctioned activity; or*

24 (iii) *a religious event; or*

25 (B) *accompanied by a licensed driver at least twenty-five (25)*  
26 *years of age.*

27 (4) *The individual may not operate a motor vehicle while using a*  
28 *telecommunications device until the individual becomes eighteen*  
29 *(18) years of age unless the telecommunications device is being*  
30 *used to make a 911 emergency call.*

31 (5) *Except as provided in subdivision (6), during the one hundred*  
32 *eighty (180) days after the issuance of the probationary license,*  
33 *the individual may not operate a motor vehicle in which there are*  
34 *passengers until the individual becomes eighteen (18) years of*  
35 *age unless another individual:*

36 (A) *who:*

37 (i) *is at least twenty-five (25) years of age; and*

38 (ii) *holds a valid operator's, chauffeur's, public passenger*  
39 *chauffeur's, or commercial driver's license issued under this*  
40 *article;*

41 (B) *who is a certified driver education instructor; or*

42 (C) *who is the parent, guardian, or stepparent of the operator*

43 ~~who~~ *and is at least twenty-one (21) years of age;*

44 *is present in the front seat of the motor vehicle.*

45 (3) *Except as provided in subsection (f), during the one hundred*  
46 *eighty (180) days after the issuance of the probationary license,*



1 *the individual may not operate a motor vehicle in which there are*  
 2 *passengers unless another individual:*

3 *(A) who:*

4 *(i) is at least twenty-five (25) years of age; and*

5 *(ii) holds a valid operator's, chauffeur's, public passenger*  
 6 *chauffeur's, or commercial driver's license issued under this*  
 7 *article; or*

8 *(B) who is a certified driver education instructor;*  
 9 *is present in the front seat of the motor vehicle:*

10 *(4) The individual may operate a motor vehicle only if the*  
 11 *individual and each occupant of the motor vehicle have:*

12 *(A) a safety belt; or*

13 *(B) if the occupant is a child who must be properly fastened*  
 14 *and restrained in a child restraint system according to the*  
 15 *manufacturer's instructions under IC 9-19-11, a child*  
 16 *restraint system;*

17 *properly fastened about the occupant's body at all times when the*  
 18 *motor vehicle is in motion:*

19 *(d) An individual who holds a probationary license to which this*  
 20 *section applies may not operate a motor vehicle while using a*  
 21 *telecommunications device unless the telecommunications device is*  
 22 *being used to make a 911 emergency call:*

23 *(e) An individual may operate a motor vehicle during the period*  
 24 *referred to in subsection (c)(1) or (c)(2) if the individual operates the*  
 25 *motor vehicle while:*

26 *(1) participating in, going to, or returning from:*

27 *(A) lawful employment;*

28 *(B) a school sanctioned activity; or*

29 *(C) a religious event; or*

30 *(2) accompanied by a licensed driver at least twenty-five (25)*  
 31 *years of age:*

32 *(6) ~~ff~~ The ~~An~~ individual subject to this section may operate a*  
 33 *motor vehicle and transport:*

34 *(A) a child of the individual;*

35 *(B) a sibling of the individual;*

36 *(C) a child and a sibling of the individual; or*

37 *(D) the spouse of the individual; or*

38 *(E) a child and the spouse of the individual;*

39 *without another accompanying individual present in the motor*  
 40 *vehicle.*

41 *(7) The individual may operate a motor vehicle only if the*  
 42 *individual and each occupant of the motor vehicle ~~(A)~~ are:*

43 *(A) properly restrained by a properly fastened safety belt; or*

44 *(B) if the occupant is a child, ~~the child must be~~ restrained in*  
 45 *a properly fastened and restrained in a child restraint system*  
 46 *according to the manufacturer's instructions under*



1            *IC 9-19-11;*  
 2            *properly fastened about the occupant's body at all times when the*  
 3            *motor vehicle is in motion.*

4            *(c) An individual who holds a probationary license issued under*  
 5            *this section may receive an operator's license, a chauffeur's license, a*  
 6            *public passenger chauffeur's license, or a commercial driver's license*  
 7            *when the individual is at least eighteen (18) years of age.*

8            *(d) Except as provided in IC 9-24-12-1(e), a probationary license*  
 9            *issued under this section:*

10            *(1) expires at midnight of the date thirty (30) days after the*  
 11            *twenty-first birthday of the holder; and*

12            *(2) may not be renewed.*

13            SECTION 29. IC 9-24-11-5, AS AMENDED BY P.L.76, SECTION  
 14            5, AND AS AMENDED BY P.L.162-2009, SECTION 3, IS  
 15            CORRECTED AND AMENDED TO READ AS FOLLOWS  
 16            [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Except as provided in  
 17            subsection (i), a permit or license issued under this chapter must  
 18            contain the following information:

19            (1) The full legal name of the permittee or licensee.

20            (2) The date of birth of the permittee or licensee.

21            (3) The address of the principal residence of the permittee or  
 22            licensee.

23            (4) The hair color and eye color of the permittee or licensee.

24            (5) The date of issue and expiration date of the permit or license.

25            (6) The gender of the permittee or licensee.

26            (7) The unique identifying number of the permit or license.

27            (8) The weight of the permittee or licensee.

28            (9) The height of the permittee or licensee.

29            (10) A reproduction of the signature of the permittee or licensee.

30            (11) If the permittee or licensee is less than eighteen (18) years of  
 31            age at the time of issuance, the dates on which the permittee or  
 32            licensee will become:

33            (A) eighteen (18) years of age; and

34            (B) twenty-one (21) years of age.

35            (12) If the permittee or licensee is at least eighteen (18) years of  
 36            age but less than twenty-one (21) years of age at the time of  
 37            issuance, the date on which the permittee or licensee will become  
 38            twenty-one (21) years of age.

39            (13) Except as provided in subsection (b) or (c), a digital  
 40            photograph of the permittee or licensee.

41            (b) The following permits or licenses do not require a digital  
 42            photograph:

43            (1) Temporary motorcycle learner's permit issued under  
 44            IC 9-24-8.

45            (2) Motorcycle learner's permit issued under IC 9-24-8.

46            (c) The bureau may provide for the omission of a photograph or



1 computerized image from any other license or permit if there is good  
 2 cause for the omission. However, a license issued without a digital  
 3 photograph must include the language described in subsection (f).

4 (d) The information contained on the permit or license as required  
 5 by subsection (a)(11) or (a)(12) for a permittee or licensee who is less  
 6 than twenty-one (21) years of age at the time of issuance shall be  
 7 printed prominently on the permit or license.

8 (e) This subsection applies to a permit or license issued after  
 9 January 1, 2007. If the applicant for a permit or license submits  
 10 information to the bureau concerning the applicant's medical condition,  
 11 the bureau shall place an identifying symbol on the face of the permit  
 12 or license to indicate that the applicant has a medical condition of note.  
 13 The bureau shall include information on the permit or license that  
 14 briefly describes the medical condition of the holder of the permit or  
 15 license. The information must be printed in a manner that alerts a  
 16 person reading the permit or license to the existence of the medical  
 17 condition. The permittee or licensee is responsible for the accuracy of  
 18 the information concerning the medical condition submitted under this  
 19 subsection. The bureau shall inform an applicant that submission of  
 20 information under this subsection is voluntary.

21 (f) Any license or permit issued by the state that does not require a  
 22 digital photograph must include a statement that indicates *that* the  
 23 license or permit may not be accepted by any federal agency for federal  
 24 identification or any other federal purpose.

25 (g) A license or permit issued by the state to an individual who:

- 26 (1) has a valid, unexpired nonimmigrant visa or has nonimmigrant  
 27 visa status for entry in the United States;
- 28 (2) has a pending application for asylum in the United States;
- 29 (3) has a pending or approved application for temporary protected  
 30 status in the United States;
- 31 (4) has approved deferred action status; or
- 32 (5) has a pending application for adjustment of status to that of an  
 33 alien lawfully admitted for permanent residence in the United  
 34 States or conditional permanent residence status in the United  
 35 States;

36 must be clearly identified as a temporary license or permit. A  
 37 temporary license or permit issued under this subsection may not be  
 38 renewed without the presentation of valid documentary evidence  
 39 proving that the licensee's or permittee's temporary status has been  
 40 extended.

41 (h) The bureau may adopt rules under IC 4-22-2 to carry out this  
 42 section.

43 (i) For purposes of subsection (a), an individual certified as a  
 44 program participant in the address confidentiality program under  
 45 IC 5-26.5 is not required to provide the address of the individual's  
 46 principal residence, but may provide an address designated by the



office of the attorney general under IC 5-26.5 as the address of the individual's principal residence.

SECTION 30. IC 9-29-5-2, AS AMENDED BY P.L.97-2008, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. ~~(a) This subsection expires December 31, 2008. The fee for the registration of a motorcycle is twenty-seven dollars (\$27). The revenue from this fee shall be allocated as follows:~~

~~(1) Seven dollars (\$7) to the motorcycle operator safety education fund established by IC 20-30-13-11.~~

~~(2) An amount prescribed as a license branch service charge under IC 9-29-3.~~

~~(3) Ten dollars (\$10) to the spinal cord and brain injury fund established by IC 16-41-42.2-3.~~

~~(4) The balance to the state general fund for credit to the motor vehicle highway account.~~

~~(b) This subsection applies after December 31, 2008. The fee for the registration of a motorcycle is seventeen dollars and thirty cents (\$17.30). The revenue from this fee shall be allocated as follows:~~

~~(1) Seven dollars (\$7) to the motorcycle operator safety education fund established by IC 20-30-13-11.~~

~~(2) An amount prescribed as a license branch service charge under IC 9-29-3.~~

~~(3) Thirty cents (\$0.30) to the spinal cord and brain injury fund under IC 16-41-42.2-3, as provided under section 0.5 of this chapter.~~

~~(4) The balance to the state general fund for credit to the motor vehicle highway account.~~

SECTION 31. IC 9-29-5-28, AS AMENDED BY P.L.79-2006, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 28. Except as provided in ~~IC 9-29-12-2.5(c)~~ **IC 9-18-12-2.5(e)** and section 32.5 of this chapter, the registration fee for an antique motor vehicle under IC 9-18-12 is twelve dollars (\$12).

SECTION 32. IC 10-12-2-5, AS AMENDED BY P.L.99-2007, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The department may establish, operate, and make necessary contributions to a disability reserve account for the payment of disability expense reimbursements and disability pensions to ~~beneficiaries of an employee~~ **beneficiaries** with a disability. The department also may do the following:

(1) Establish, under the terms of a supplementary trust agreement, disability expense reimbursements and disability pensions to be paid to employee beneficiaries who incur a disability in the line of duty.

(2) Establish, under the terms of a supplementary trust agreement, disability expense reimbursements and disability pensions to be paid to employee beneficiaries who incur a disability not in the





1 line of duty.

2 (3) Seek rulings from the Internal Revenue Service as to the  
3 federal tax treatment for the line of duty disability benefits  
4 authorized by this section.

5 Except as provided in subsection (d), a monthly disability pension may  
6 not exceed the maximum basic pension amount. However, in the case  
7 of disability incurred in the line of duty, an employee beneficiary may  
8 receive not more than forty dollars (\$40) per month for each dependent  
9 parent and dependent child less than eighteen (18) years of age, in  
10 addition to the monthly disability pension payment under this chapter.  
11 Time in disability pension status is considered qualifying active service  
12 for purposes of calculating a retirement pension.

13 (b) This section shall be administered in a manner that is consistent  
14 with the Americans with Disabilities Act (42 U.S.C. 12101 et seq.) and  
15 the regulations and amendments related to that act, to the extent  
16 required by that act.

17 (c) A disability payment made under this chapter is worker's  
18 compensation instead of a payment under IC 22-3-2 through IC 22-3-7.

19 (d) A regular, paid police employee of the state police department  
20 who has a permanent and total disability from a catastrophic personal  
21 injury that:

- 22 (1) is sustained in the line of duty after January 1, 2001; and  
23 (2) permanently prevents the employee from performing any  
24 gainful work;

25 shall receive a disability pension equal to the employee's regular salary  
26 at the commencement of the disability. The disability pension provided  
27 under this subsection is provided instead of the regular monthly  
28 disability pension. The disability pension provided under this  
29 subsection must be increased at a rate equal to any salary increases the  
30 employee would have received if the employee remained in active  
31 service.

32 SECTION 33. IC 10-14-3-10.6 IS AMENDED TO READ AS  
33 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10.6. (a) As used  
34 in this section, "participating unit" refers to a unit that does not opt out  
35 under subsection (c) from participating in the statewide mutual aid  
36 program.

37 (b) As used in this section, "unit" has the meaning set forth in  
38 IC 36-1-2-23.

39 (c) A unit may choose not to participate in the statewide mutual aid  
40 program if the unit:

- 41 (1) adopts an ordinance or a resolution declaring that the unit will  
42 not participate in the statewide mutual aid program; and  
43 (2) provides a copy of the ordinance or resolution to:  
44 (A) the local emergency management organization that serves  
45 the unit; and  
46 (B) the department.



(d) Each participating unit shall establish an incident management system and a unified command system to be used in a response to a disaster or an emergency.

(e) A participating unit may request the assistance of at least one (1) other participating unit to:

- (1) manage disaster response or recovery; or
- (2) conduct disaster response or recovery related exercises, testing, or training.

(f) A request for assistance to a participating unit under subsection (e) shall be made by and to the executive of the unit or the executive's authorized representative. A request may be oral or in writing. A written request shall be made on forms developed by the department. An oral request shall be confirmed in writing not later than twenty-four (24) hours after the oral request is made.

(g) A request must include the following information:

(1) A description of the disaster response and recovery functions for which assistance is needed, including the following:

- (A) Fire.
- (B) Law enforcement.
- (C) Emergency medical.
- (D) Transportation.
- (E) Communications.
- (F) Public works and engineering.
- (G) Building inspection.
- (H) Planning and information assistance.
- (I) Mass care.
- (J) Resource support.
- (K) Health and other medical services.
- (L) Search and rescue.

(2) The amount and type of services, equipment, supplies, materials, personnel, and other resources needed and a reasonable estimate of the length of time they will be needed.

(3) The specific place and time for staging of the assisting participating unit's provision of assistance and a point of contact at that location.

(h) A participating unit that is requested to render assistance shall take the necessary action to provide and make available the requested services, equipment, supplies, materials, personnel, and other resources.

(i) A participating unit's obligation to provide assistance is subject to the following restrictions:

(1) A participating unit's request to receive assistance is effective only:

- (A) upon declaration of a local disaster emergency by the executive officer of the unit under ~~section 23~~ **section 29** of this chapter; or



- 1 (B) upon the commencement of the exercises, testing, or  
 2 training.
- 3 (2) The assistance shall continue as long as:
- 4 (A) the state of emergency remains in effect and the loaned  
 5 resources are required by the receiving participating unit or the  
 6 loaned resources remain in the receiving participating unit; or  
 7 (B) the exercises, testing, or training is in progress.
- 8 (3) The participating unit rendering the assistance may withhold  
 9 resources or recall loaned resources to the extent necessary to  
 10 provide for the participating unit's own reasonable protection.
- 11 (4) Emergency forces providing assistance shall continue under  
 12 the command and control of their regular leaders, but  
 13 operationally those forces shall be under the control of the  
 14 incident commander or unified commander designated by the  
 15 requesting participating unit.
- 16 SECTION 34. IC 10-15-2-10, AS AMENDED BY P.L.1-2006,  
 17 SECTION 178, IS AMENDED TO READ AS FOLLOWS  
 18 [EFFECTIVE UPON PASSAGE]: Sec. 10. The foundation may do the  
 19 following:
- 20 (1) Adopt bylaws for the regulation of the foundation's affairs and  
 21 the conduct of the foundation's business.
- 22 (2) Adopt an official seal, which may not be the seal of the state.
- 23 (3) Maintain a principal office and other offices the foundation  
 24 designates.
- 25 (4) Sue and be sued in the name and style of "Indiana ~~Emergency~~  
 26 ~~Management, Fire and Building Services, and Public Safety~~  
 27 ~~Training Homeland Security~~ Foundation", with service of  
 28 process being made to the chairperson of the foundation by  
 29 leaving a copy at the principal office of the foundation or at the  
 30 residence of the chairperson if the foundation has no principal  
 31 office.
- 32 (5) Exercise the powers or perform the following duties of the  
 33 foundation:
- 34 (A) Acquire by any means a right or an interest in or upon  
 35 personal property of any kind or nature. The foundation shall  
 36 hold the legal title to property acquired in the name of the  
 37 foundation.
- 38 (B) Dispose of a right or an interest in personal property.
- 39 (6) Make and enter into all contracts, undertakings, and  
 40 agreements necessary or incidental to the performance of the  
 41 duties and the execution of the powers of the foundation under  
 42 this chapter.
- 43 (7) Assist the department to develop projects.
- 44 (8) Receive and accept from any person grants for or in aid of the  
 45 acquisition, construction, improvement, or development of any  
 46 part of the projects of the foundation and receive and accept aid



or contributions from any source of money, personal property, labor, or other things of value to be held, used, applied, or disposed of only for the purposes consistent with the purposes of this chapter for which the grants and contributions may be made.

(9) Hold, use, administer, and expend money that may be acquired by the foundation.

(10) Do all acts and things necessary or proper to carry out the powers expressly granted in this chapter.

SECTION 35. IC 12-15-1-20.4, AS ADDED BY P.L.114-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20.4. (a) If a Medicaid recipient is:

(1) less than eighteen (18) years of age;

(2) adjudicated to be a delinquent child and placed in:

(A) a community based correctional facility for children;

(B) a juvenile detention facility; or

(C) a secure facility, not including a facility licensed as a child caring institution under IC 31-27; and

(3) ineligible to participate in the Medicaid program during the placement described in subdivision (2) because of federal Medicaid law;

the division of family resources, upon notice that a child has been adjudicated to be a delinquent child and placed in a facility described in ~~subsection (a)(2)~~, **subdivision (2)** shall suspend the child's participation in the Medicaid program for up to six (6) months before terminating the child's eligibility.

(b) If the division of family resources receives:

(1) a dispositional decree under IC 31-37-19-28; or

(2) a modified disposition order under IC 31-37-22-9;

and the department of correction gives the division at least forty (40) days notice that a child will be released from a facility described in subsection (a)(2)(C), the division of family resources shall take action necessary to ensure that a child described in subsection (a) is eligible to participate in the Medicaid program upon the child's release, if the child is eligible to participate.

SECTION 36. IC 12-15-44.2-19, AS ADDED BY P.L.3-2008, SECTION 98, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19. (a) The office may adopt rules under IC 4-22-2 necessary to implement this chapter.

(b) The office may adopt emergency rules under IC 4-22-2-37.1 to implement the plan on an emergency basis.

~~(c) Notwithstanding IC 12-8-1-9 and IC 12-8-3, rules adopted under this section before January 1, 2009, are not subject to review or approval by the family and social services committee established by IC 12-8-3-2. This subsection expires December 31, 2009.~~

SECTION 37. IC 13-11-2-203.5, AS ADDED BY P.L.178-2009, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



UPON PASSAGE]: Sec. 203.5. (a) Except as provided in subsection (b), "small business", for purposes of section 47.7 of this chapter, means a business that satisfies all the following:

- (1) The business is independently owned and operated.
- (2) The principal office of the business is located in Indiana.
- (3) The business satisfies either of the following:
  - (A) The business has not more than:
    - (i) one hundred (100) employees; and
    - (ii) average annual gross receipts of ten million dollars (\$10,000,000).
  - (B) If the business is a manufacturing business, the business does not have more than one hundred (100) employees.

(b) "Small business" does not include a business subject to electronic waste regulation under ~~329 IAC 16-3-1~~. **329 IAC 16.**

SECTION 38. IC 13-14-2-8, AS ADDED BY P.L.78-2009, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) Subject to subsection (b), a restrictive covenant executed after June 30, 2009, is not subject to approval by the department.

(b) The department shall:

- (1) review; and
- (2) approve, disapprove, or partially approve and partially disapprove;

activities and land use restrictions described in ~~IC 13-11-2-193.5(1)~~ **IC 13-11-2-193.5(2)** that are proposed as part of a remediation, closure, cleanup, corrective action, or determination exercising enforcement discretion or of no further action being required to be included in a restrictive covenant.

SECTION 39. IC 13-18-10-1, AS AMENDED BY P.L.81-2009, SECTION 2, AND AS AMENDED BY P.L.127-2009, SECTION 5, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. A person may not start:

- (1) construction of a confined feeding operation; or
- (2) *expansion of a confined feeding operation that increases animal capacity or manure containment capacity, or both;*

without obtaining the prior approval of the department.

SECTION 40. IC 13-18-10-1.9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE MAY 12, 2009 (RETROACTIVE)]: **Sec. 1.9. (a) This section applies:**

- (1) to a confined feeding operation for which a person is required to submit an application for approval under section 1 of this chapter if an application for approval under section 1 of this chapter submitted with respect to the confined feeding operation was not approved by the department before May 12, 2009; and**



(2) notwithstanding the effective date of the addition or amendment by P.L.127-2009 of the provisions listed in subsection (b)(1) through (b)(8).

(b) The following, as added or amended by P.L.127-2009, effective July 1, 2009, apply to a confined feeding operation described in subsection (a)(1) in the same manner as if they had been in effect on the date on which the application was submitted with respect to the confined feeding operation under section 1 of this chapter:

(1) IC 13-18-10-1.4.

(2) IC 13-11-2-8.

(3) IC 13-11-2-40.

(4) IC 13-11-2-191

(5) IC 13-18-10-1

(6) IC 13-18-10-2

(7) IC 13-18-10-2.1

(8) IC 13-18-10-2.2.

SECTION 41. IC 15-21-1-1, AS ADDED BY P.L.111-2009, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) This article does not apply to:

(1) an animal shelter;

(2) a humane society;

(3) an animal rescue operation;

(4) a hobby breeder;

(5) a person who breeds at least seventy-five **percent** (75%) of the person's dogs as sport dogs for hunting purposes; or

(6) a person who breeds at least seventy-five **percent** (75%) of the person's dogs as service dogs or as dogs for use by the police or the armed forces.

(b) As used in this section, "animal rescue operation" means a person or organization:

(1) that accepts within one (1) year:

(A) more than twelve (12) dogs; or

(B) more than nine (9) dogs and more than three (3) unweaned litters of puppies;

that are available for adoption for human companionship as pets or as companion animals in permanent adoptive homes and that are maintained in a private residential dwelling; or

(2) that uses a system of private residential dwellings as foster homes for the dogs.

The term does not include a person or organization that breeds dogs.

(c) As used in this section, "hobby breeder" means a person who maintains fewer than twenty (20) unaltered female dogs that are at least twelve (12) months of age.

SECTION 42. IC 16-18-2-0.5, AS ADDED BY P.L.57-2009, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



UPON PASSAGE]: Sec. 0.5. (a) "Abatement", for purposes of IC 16-41-39.8, means any measure or set of measures designed to permanently eliminate lead-based paint hazards. The term includes the following:

- (1) The removal of lead-based paint and lead-contaminated dust.
- (2) The permanent enclosure or encapsulation of lead-based paint.
- (3) The replacement of lead-painted surfaces or fixtures.
- (4) The removal or covering of lead-contaminated soil.
- (5) All preparation, cleanup, disposal, and postabatement clearance testing activities associated with subdivisions (1) through (4).
- (6) A project for which there is a written contract or other documentation, providing that a person will be conducting activities in or to a residential dwelling or child occupied facility that:
  - (A) will permanently eliminate lead-based paint hazards; or
  - (B) are designed to permanently eliminate lead-based paint hazards as described under subdivisions (1) through (5).
- (7) A project resulting in the permanent elimination of lead-based paint hazards, conducted by persons certified under 40 CFR 745.226 or ~~IC 13-17-14~~, **IC 16-41-39.8**, unless the project is described under subsection (b) or (c).
- (8) A project resulting in the permanent elimination of lead-based paint hazards, conducted by persons who, through the person's company name or promotional literature, represent, advertise, or hold themselves out to be in the business of performing lead-based paint activities, unless those projects are described under subsection (b) or (c).
- (9) A project resulting in the permanent elimination of lead-based paint hazards that is conducted in response to state or local abatement orders.

(b) The term does not include renovation, remodeling, landscaping, or other activities when those activities are not designed to permanently eliminate lead-based paint hazards but are designed to repair, restore, or remodel a structure or dwelling, even though these activities may incidentally result in a reduction or elimination of lead-based paint hazards.

(c) The term does not include interim controls, operations, or maintenance activities or other measures designed to temporarily reduce lead-based paint hazards.

SECTION 43. IC 16-18-2-54.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 54.3. "Child", for purposes of IC 16-35-8, has the meaning set forth in IC 16-35-8-1.**

SECTION 44. IC 16-18-2-143, AS AMENDED BY P.L.57-2009, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



UPON PASSAGE]: Sec. 143. (a) "Fund", for purposes of IC 16-26-2, has the meaning set forth in IC 16-26-2-2.

(b) "Fund", for purposes of IC 16-31-8.5, has the meaning set forth in IC 16-31-8.5-2.

(c) "Fund", for purposes of IC 16-41-39.4, refers to the childhood lead poisoning prevention fund established by IC 16-41-39.4-3.1.

(d) "Fund", for purposes of IC 16-41-39.8, refers to the lead trust fund established by IC 16-41-39.8-7.

(e) "Fund", for purposes of IC 16-46-5, has the meaning set forth in IC 16-46-5-3.

(f) "Fund", for purposes of IC 16-46-12, has the meaning set forth in IC 16-46-12-1.

(g) "Fund", for purposes of IC 16-41-42.2, has the meaning set forth in IC 16-41-42.2-2.

**(h) "Fund", for purposes of IC 16-35-8, has the meaning set forth in IC 16-35-8-2.**

SECTION 45. IC 16-18-2-328.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 328.2. "Service animal", for purposes of IC 16-32-3, has the meaning set forth in IC 16-32-3-2.**

SECTION 46. IC 16-19-3-4.4, AS ADDED BY P.L.83-2007, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4.4. (a) The executive board shall adopt reasonable rules under IC 4-22-2 necessary to protect the health, safety, and welfare of persons living in mobile camps, including provisions relating to sanitary conditions, light, air, safety protection from fire hazards, equipment, maintenance, and operation of the camp, sewage disposal through septic tank absorption fields, and other matters appropriate for the security of the life and health of occupants.

(b) The rules adopted under subsection (a) shall be enforced by local health officers under IC 16-20-1-19 and ~~IC 16-22-8-34(a)(22)~~. **IC 16-22-8-34(a)(23).**

(c) The rules must include the following:

(1) A requirement for an inspection fee necessary to cover all the expenses incurred in the process of conducting inspections of a mobile camp, to be paid by the railroad company operating the mobile camp.

(2) A provision that the inspection fee shall be paid to the:

(A) local health department under IC 16-20-1-2; or

(B) municipal corporation created under IC 16-22-8-6;

before initiation of the inspection. The fee shall be deposited in the general fund of the local health department or the municipal corporation.

(3) A requirement that the railroad company, after the departure of the mobile camp, restore the property upon which the mobile camp existed to its condition before the arrival of the mobile





camp.

(4) A provision that the officials of the local health department or the municipal corporation referenced in subdivision (2) may conduct either:

(A) independent inspections of the mobile camp without the presence of the railroad company or a union representative; or

(B) joint inspections of the mobile camp with the presence of the railroad company and a union representative of each craft of employees working for the railroad company.

SECTION 47. IC 16-41-8-4, AS ADDED BY P.L.125-2009, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) This section applies to the release of medical information that may be relevant to the prosecution or defense of a person who has been charged with a potentially disease transmitting offense.

(b) A:

(1) prosecuting attorney may seek to obtain access to a defendant's medical information if the defendant has been charged with a potentially disease ~~causing~~ **transmitting** offense; and

(2) defendant who has been charged with a potentially disease ~~causing~~ **transmitting** offense may seek access to the medical information of another person if the medical information would be relevant to the defendant's defense;

by filing a verified petition for the release of medical information with the court.

(c) The prosecuting attorney or defendant who files a petition under subsection (b) shall serve a copy of the petition on:

(1) the person whose medical information is sought;

(2) the guardian, guardian ad litem, or court appointed special advocate appointed for a minor, parent, or custodian of a person who is incompetent, if applicable; and

(3) the provider that maintains the record, or the attorney general if the provider is a state agency;

at the time of filing in accordance with Indiana Trial Rule 4.

(d) The court shall set the matter for hearing not later than twenty (20) days after the date of filing.

(e) If, following a hearing for release of a person's medical information, the court finds probable cause to believe that the medical information may be relevant to the prosecution or defense of a person who has been charged with a potentially disease transmitting offense, the court shall order the person having custody of the person's medical information to release the medical information to the court.

(f) The court shall examine the person's medical information in camera. If, after examining the medical information in camera and considering the evidence presented at the hearing, the court finds



probable cause to believe that the medical information is relevant to the prosecution or defense of a person who has been charged with a potentially disease transmitting offense, the court may order the release of a person's medical information to the petitioner.

(g) In an order issued under subsection (f), the court shall:

(1) permit the disclosure of only those parts of the person's medical information that are essential to fulfill the objective of the order;

(2) restrict access to the medical information to those persons whose need for the information is the basis of the order; and

(3) include in its order any other appropriate measures to limit disclosure of the medical information to protect the right to privacy of the person who is the subject of the medical information.

(h) A hearing for the release of a person's medical information may be closed to the public. The transcript of the hearing, the court's order, and all documents filed in connection with the hearing are confidential. In addition, if a person's medical information is disclosed in a legal proceeding, the court shall order the record or transcript of the testimony to be preserved as a confidential court record.

(i) This section does not prohibit the application to medical information of any law concerning medical information that is not addressed by this section.

SECTION 48. IC 16-41-39.8-6, AS ADDED BY P.L.57-2009, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) Rules adopted by the air pollution control board before July 1, 2009, under IC 13-17-14-5 (repealed) are considered rules of the state department after December 31, 2009.

(b) The state department shall adopt rules under IC 4-22-2 to replace the rules of the air pollution control board described in subsection (a) and to implement this chapter. The rules adopted by the state department must contain at least the elements required to receive program authorization under 40 CFR 745, Subpart L, as in effect July 1, 2002, and must do the following:

(1) Establish minimum requirements for the issuance of a license for:

(A) lead-based paint activities inspectors, risk assessors, project designers, supervisors, abatement workers, and contractors; and

(B) clearance examiners.

(2) Establish minimum requirements for approval of the providers of:

(A) lead-based paint activities training courses; and

(B) clearance examiner training courses.

(3) Establish minimum qualifications for:

(A) lead-based paint activities training course instructors; and



- 1 (B) clearance examiner training course instructors.
- 2 (4) Extend the applicability of the licensing requirements to other
- 3 facilities as determined necessary by the board.
- 4 (5) Establish work practice standards.
- 5 (6) Establish a state department or third party examination
- 6 process.
- 7 (7) Identify activities, if any, that are exempted from licensing
- 8 requirements.
- 9 (8) Establish a reasonable fee based on current market value per
- 10 person, per license, for the period the license is in effect for a
- 11 person seeking a license under section 3 of this chapter. However,
- 12 the following may not be required to pay a fee established under
- 13 this subdivision:
- 14 (A) A state.
- 15 (B) A municipal corporation (as defined in IC 36-1-2-10).
- 16 (C) A unit (as defined in IC 36-1-2-23).
- 17 (9) Establish a reasonable fee based on current market value per
- 18 course, per year, for a lead-based paint **activities** training program
- 19 seeking approval of a lead-based paint **activities** training course
- 20 under section 4 of this chapter. However, the following may not
- 21 be required to pay a fee established under this subdivision:
- 22 (A) A state.
- 23 (B) A municipal corporation (as defined in IC 36-1-2-10).
- 24 (C) A unit (as defined in IC 36-1-2-23).
- 25 (D) An organization exempt from income taxation under 26
- 26 U.S.C. 501(a).
- 27 (10) Establish a reasonable fee based on current market value per
- 28 course, per year, for a clearance examiner training program
- 29 seeking approval of a clearance examiner training course under
- 30 section 5 of this chapter. However, the following may not be
- 31 required to pay a fee established under this subdivision:
- 32 (A) A state.
- 33 (B) A municipal corporation (as defined in IC 36-1-2-10).
- 34 (C) A unit (as defined in IC 36-1-2-23).
- 35 (D) An organization exempt from income taxation under 26
- 36 U.S.C. 501(a).
- 37 (c) The amount of the fees under subsection (b) may not be more
- 38 than is necessary to recover the cost of administering this chapter.
- 39 (d) The proceeds of the fees under subsection (b) must be deposited
- 40 in the lead trust fund established by section 7 of this chapter.
- 41 (e) The minimum requirements established under subsection (b)(1)
- 42 must be sufficient to allow the clearance examiner to perform clearance
- 43 examinations without the approval of a certified risk assessor or
- 44 inspector as provided in 24 CFR 35.1340(b)(1)(iv), as in effect July 1,
- 45 2002.
- 46 SECTION 49. IC 20-19-3-9.2 IS ADDED TO THE INDIANA



CODE AS A NEW SECTION TO READ AS FOLLOWS  
 [EFFECTIVE UPON PASSAGE]: **Sec. 9.2. The department shall establish and maintain a searchable data base of information concerning employees and former employees who have been reported to the department under IC 20-28-5-8. The department shall make the data base available to the public.**

SECTION 50. IC 20-19-3-9.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS  
 [EFFECTIVE UPON PASSAGE]: **Sec. 9.4. Beginning January 1, 2010, the department may obtain and maintain student test number information in a manner and form that permits any person who is authorized to review the information to:**

**(1) access the information at any time; and**

**(2) accurately determine:**

**(A) where each student is enrolled and attending classes; and**

**(B) the number of students enrolled in a school corporation or charter school and residing in the area served by a school corporation;**

**as of any date after December 31, 2009, occurring before two**

**(2) regular instructional days before the date of the inquiry.**

**Each school corporation and charter school shall provide the information to the department in the form and on a schedule that permits the department to comply with this section. The department shall provide technical assistance to school corporations and charter schools to assist school corporations and charter schools in complying with this section.**

SECTION 51. IC 20-23-6-18, AS ADDED BY P.L.182-2009(ss), SECTION 310, IS AMENDED TO READ AS FOLLOWS  
 [EFFECTIVE UPON PASSAGE]: **Sec. 18. (a) Before January 1, 2011, Prairie Township School Corporation shall reorganize by consolidating with an adjacent school corporation under this chapter.**

**(c) (b) If the governing body of Prairie Township School Corporation does not comply with this section before January 1, 2011, the state board shall, after December 31, 2010, develop a reorganization plan for the school corporation and require the governing body to implement the plan.**

SECTION 52. IC 20-33-2-9, AS AMENDED BY P.L.185-2006, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 9. (a) The governing body of each school corporation shall designate the appropriate employees of the school corporation to conduct the exit interviews for students described in section ~~6(a)(3)~~ 6(3) of this chapter. Each exit interview must be personally attended by:**

**(1) the student's parent;**

**(2) the student;**



(3) each designated appropriate school employee; and

(4) the student's principal.

(b) A student who is at least sixteen (16) years of age but less than eighteen (18) years of age is bound by the requirements of compulsory school attendance and may not withdraw from school before graduation unless:

(1) the student, the student's parent, and the principal agree to the withdrawal;

(2) at the exit interview, the student provides written acknowledgment of the withdrawal that meets the requirements of subsection (c) and the:

(A) student's parent; and

(B) school principal;

each provide written consent for the student to withdraw from school; and

(3) the withdrawal is due to:

(A) financial hardship and the individual must be employed to support the individual's family or a dependent;

(B) illness; or

(C) an order by a court that has jurisdiction over the student.

(c) A written acknowledgment of withdrawal under subsection (b) must include a statement that the student and the student's parent understand that withdrawing from school is likely to:

(1) reduce the student's future earnings; and

(2) increase the student's likelihood of being unemployed in the future.

SECTION 53. IC 20-38-3-3, AS ADDED BY P.L.21-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. ARTICLE III. APPLICABILITY

A. Except as otherwise provided in paragraph B, this compact applies to the children of the following:

1. An active duty member of the uniformed services, including a member of the National Guard and Reserve on active duty orders under 10 U.S.C. 1209 and 10 U.S.C 1211.

2. A member or veteran of the uniformed services who is severely injured and medically discharged or retired for at least one (1) year after medical discharge or retirement.

3. A member of the uniformed services who dies on active duty or as a result of injuries sustained on active duty, for one (1) year after the member's death.

B. This compact applies only to local education agencies as defined in this compact.

C. This compact does not apply to the children of the following:

1. Inactive members of the National Guard and military reserves.

2. Retired members of the uniformed services, except as provided in paragraph A.



1 3. Veterans of the uniformed services, except as provided in  
2 paragraph A.

3 4. Other United States Department of Defense personnel and  
4 other federal agency civilian and contract employees not defined  
5 as active duty members of the uniformed services.

6 SECTION 54. IC 20-38-3-13, AS ADDED BY P.L.21-2009,  
7 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
8 UPON PASSAGE]: Sec. 13. ARTICLE XIII. OVERSIGHT,  
9 ENFORCEMENT, AND DISPUTE RESOLUTION

10 A. Oversight

11 1. The executive, legislative, and judicial branches of state  
12 government in each member state shall enforce this compact and  
13 take all actions necessary and appropriate to effectuate the  
14 compact's purposes and intent. This compact and the rules  
15 adopted under this compact have standing as statutory law.

16 2. All courts shall take judicial notice of this compact and the  
17 rules adopted under this compact in any judicial or administrative  
18 proceeding in a member state pertaining to the subject matter of  
19 this compact that may affect the powers, responsibilities, or  
20 actions of the interstate commission.

21 3. The interstate commission is entitled to receive all service of  
22 process in any proceeding and has standing to intervene in the  
23 proceeding for all purposes. Failure to provide service of process  
24 to the interstate commission renders a judgment or an order void  
25 as to the interstate commission, this compact, or adopted rules.

26 B. If the interstate commission determines that a member state has  
27 defaulted in the performance of its obligations or responsibilities under  
28 this compact, the bylaws, or the adopted rules, the interstate  
29 commission shall do the following:

30 1. Provide written notice to the defaulting state and other member  
31 states of the nature of the default, the means of curing the default,  
32 and any action taken by the interstate commission. The interstate  
33 commission shall specify the conditions by which the defaulting  
34 state must cure its default.

35 2. Provide remedial training and specific technical assistance  
36 regarding the default.

37 3. If the defaulting state fails to cure the default, the defaulting  
38 state shall be withdrawn from this compact upon an affirmative  
39 vote of a majority of the member states, and all rights, privileges,  
40 and benefits conferred by this compact are terminated from the  
41 effective date of the defaulting state's withdrawal. A cure of the  
42 default does not relieve the offending state of obligations or  
43 liabilities incurred during the period of the default.

44 4. Suspension or termination of membership in this compact shall  
45 be imposed only after all other means of securing compliance  
46 have been exhausted. Notice of intent to suspend or withdraw



shall be given by the interstate commission to the governor, the majority and minority leaders of the defaulting state's legislature, and each of the member states.

5. The member state that has been suspended or withdrawn is responsible for all assessments, obligations, and liabilities incurred through the effective date of its suspension or termination, including obligations, the performance of which extends beyond the effective date of suspension or withdrawal.

6. The interstate commission shall not bear any costs relating to any member state that has been found to be in default or that has been suspended or withdrawn from this compact unless otherwise mutually agreed upon in writing between the interstate commission and the defaulting member state.

7. The defaulting member state may appeal the action of the interstate commission by petitioning the United States District Court for the District of Columbia or the federal district where the interstate commission has its principal offices. The prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees.

#### C. Dispute Resolution

1. The interstate commission shall attempt, upon the request of a member state, to resolve disputes that are subject to this compact and that may arise among member states and between member and nonmember states.

2. The interstate commission shall adopt a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

#### D. Enforcement

1. The interstate commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.

2. The interstate commission may, by majority vote of the members, initiate legal action in the United ~~State~~ **States** District Court for the District of Columbia or, at the discretion of the interstate commission, in the federal district where the interstate commission has its principal offices, to enforce compliance with this compact and its adopted rules and bylaws against a member state in default. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees.

3. The remedies set forth in this section are not the exclusive remedies of the interstate commission. The interstate commission may avail itself of any other remedies available under state law or the regulation of a profession.

SECTION 55. IC 21-29-2-3, AS ADDED BY P.L.226-2007, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



UPON PASSAGE]: Sec. 3. (a) Notwithstanding any other law, the following records regarding alternative investments in which institutional investment funds invest are not subject to disclosure under IC 5-14-3, unless the information has already been publicly released by the keeper of the information:

- (1) Due diligence materials that are proprietary to the institutional investment fund or the alternative vehicle.
- (2) Quarterly and annual financial statements of alternative investment vehicles.
- (3) Meeting materials of alternative investment vehicles that contain individual portfolio holdings.
- (4) Records containing information regarding the underlying portfolio positions in which alternative investment vehicles invest.
- (5) Capital call and distribution notices.
- (6) Alternative investment agreements and all related documents.

(b) Notwithstanding subsection (a), the following information contained in records described in subsection (a) regarding alternative investments in which institutional investment funds invest is subject to disclosure under this chapter and is not considered a trade secret or confidential financial information exempt from disclosure:

- (1) The name, address, and vintage year of each alternative investment vehicle.
- (2) The dollar amount of the commitment made to each alternative investment vehicle by the institutional investment fund since inception.
- (3) The dollar amount of cash contributions by the institutional investment fund to each alternative investment vehicle since inception.
- (4) The dollar amount, on a fiscal year-end basis, of cash distributions received by the institutional investment fund from each alternative investment vehicle.
- (5) The dollar amount, on a fiscal year-end basis, of cash distributions received by the institutional investment fund plus the remaining value of partnership assets attributable to the institutional investment fund's investment in each alternative investment vehicle.
- (6) The net internal rate of return of each alternative investment vehicle since inception.
- (7) The investment multiple of each alternative investment vehicle since inception.
- (8) The schedule of management fees and costs assessed by each alternative vehicle to the institutional investment fund.
- (9) The dollar amount of cash profit received by institutional investment funds from each alternative vehicle on a fiscal year-end basis.





(c) The following definitions apply throughout this section:

(1) "Alternative investment" means an investment in a private equity fund, real estate fund, venture fund, hedge fund, natural resource, or absolute return fund.

(2) "Alternative investment vehicle" means a limited partnership, limited liability company, or similar legal structure that is not publicly traded through which an institutional investment fund invests in portfolio companies.

(3) "Institutional investment fund" means a fund that consists of money managed in an endowment fund, including a quasi-endowment, and the returns on the endowment fund, that is held and invested by a state educational institution. ~~(as defined in IC 20-12-0.5-1).~~

(4) "Portfolio positions" means individual portfolio investments made by alternative investment vehicles.

SECTION 56. IC 22-4-11-2, AS AMENDED BY P.L.175-2009, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) Except as provided in IC 22-4-11.5, the department shall for each year determine the contribution rate applicable to each employer.

(b) The balance shall include contributions with respect to the period ending on the computation date and actually paid on or before July 31 immediately following the computation date and benefits actually paid on or before the computation date and shall also include any voluntary payments made in accordance with IC 22-4-10-5 or IC 22-4-10-5.5:

(1) for each calendar year, an employer's rate shall be determined in accordance with the rate schedules in section 3.3 or 3.5 of this chapter; and

(2) for each calendar year, an employer's rate shall be two and seven-tenths percent (2.7%) before January 1, 2010, and two and five-tenths percent (2.5%) after December 31, 2009, except as otherwise provided in IC 22-4-37-3, unless and until:

(A) the employer has been subject to this article throughout the thirty-six (36) consecutive calendar months immediately preceding the computation date; and

(B) there has been some annual payroll in each of the three (3) twelve (12) month periods immediately preceding the computation date.

(c) This subsection applies before January 1, 2010. In addition to the conditions and requirements set forth and provided in subsection (b)(2)(A) and (b)(2)(B), an employer's rate shall not be less than five and six-tenths percent (5.6%) unless all required contribution and wage reports have been filed within thirty-one (31) days following the computation date and all contributions, penalties, and interest due and owing by the employer or the employer's predecessors for periods prior



1 to and including the computation date have been paid:

2 (1) within thirty-one (31) days following the computation date; or

3 (2) within ten (10) days after the department has given the  
4 employer a written notice by registered mail to the employer's last  
5 known address of:

6 (A) the delinquency; or

7 (B) failure to file the reports;

8 whichever is the later date.

9 The board or the board's designee may waive the imposition of rates  
10 under this subsection if the board finds the employer's failure to meet  
11 the deadlines was for excusable cause. The department shall give  
12 written notice to the employer before this additional condition or  
13 requirement shall apply.

14 (d) This subsection applies after December 31, 2009. In addition to  
15 the conditions and requirements set forth and provided in subsection  
16 (b)(2)(A) and (b)(2)(B), an employer's rate shall not be less than twelve  
17 percent (12%) unless all required contributions and wage reports have  
18 been filed within thirty-one (31) days following the computation date  
19 and all contributions, penalties, and interest due and ~~owning~~ owing by  
20 the employer or the employer's predecessor for periods before and  
21 including the computation date have been paid:

22 (1) within thirty-one (31) days following the computation date; or

23 (2) within ten (10) days after the department has given the  
24 employer a written notice by registered mail to the employer's last  
25 known address of:

26 (A) the delinquency; or

27 (B) failure to file the reports;

28 whichever is the later date. The board or the board's designee may  
29 waive the imposition of rates under this subsection if the board finds  
30 the employer's failure to meet the deadlines was for excusable cause.  
31 The department shall give written notice to the employer before this  
32 additional condition or requirement shall apply.

33 (e) However, if the employer is the state or a political subdivision  
34 of the state or any instrumentality of a state or a political subdivision,  
35 or any instrumentality which is wholly owned by the state and one (1)  
36 or more other states or political subdivisions, the employer may  
37 contribute at a rate of:

38 (1) one percent (1%), before January 1, 2010; or

39 (2) one and six-tenths percent (1.6%), after December 31, 2009;  
40 until it has been subject to this article throughout the thirty-six (36)  
41 consecutive calendar months immediately preceding the computation  
42 date.

43 (f) On the computation date every employer who had taxable wages  
44 in the previous calendar year shall have the employer's experience  
45 account charged with the amount determined under the following  
46 formula:



1 STEP ONE: Divide:

2 (A) the employer's taxable wages for the preceding calendar  
3 year; by

4 (B) the total taxable wages for the preceding calendar year.

5 STEP TWO: Multiply the quotient determined under STEP ONE  
6 by the total amount of benefits charged to the fund under section  
7 1 of this chapter.

8 (g) One (1) percentage point of the rate imposed under subsection  
9 (c) or (d), or the amount of the employer's payment that is attributable  
10 to the increase in the contribution rate, whichever is less, shall be  
11 imposed as a penalty that is due and shall be deposited upon collection  
12 into the special employment and training services fund established  
13 under IC 22-4-25-1. The remainder of the contributions paid by an  
14 employer pursuant to the maximum rate shall be:

15 (1) considered a contribution for the purposes of this article; and

16 (2) deposited in the unemployment insurance benefit fund  
17 established under IC 22-4-26.

18 SECTION 57. IC 22-4-11-3, AS AMENDED BY P.L.175-2009,  
19 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
20 UPON PASSAGE]: Sec. 3. (a) The applicable schedule of rates for  
21 calendar years before January 1, 2010, shall be determined by the ratio  
22 resulting when the balance in the fund as of the determination date is  
23 divided by the total payroll of all subject employers for the immediately  
24 preceding calendar year. Schedule A, B, C, or D, appearing on the line  
25 opposite the fund ratio in the schedule below, shall be applicable in  
26 determining and assigning each employer's contribution rate for the  
27 calendar year immediately following the determination date. For the  
28 purposes of this subsection, "total payroll" means total remuneration  
29 reported by all contributing employers as required by this article and  
30 does not include the total payroll of any employer who elected to  
31 become liable for payments in lieu of contributions (as defined in  
32 IC 22-4-2-32). For the purposes of this subsection, "subject employers"  
33 means those employers who are subject to contribution.

#### 34 FUND RATIO SCHEDULE

35 When the Fund Ratio Is:

36			Applicable
37	As Much As	But Less Than	Schedule
38		1.0%	A
39	1.0%	1.5%	B
40	1.5%	2.25%	C
41	2.25%		D

42 (b) Except as provided in subsection (c), the applicable schedule of  
43 rates for calendar years after December 31, 2009, shall be determined  
44 by the ratio resulting when the balance in the fund as of the  
45 determination date is divided by the total payroll of all subject  
46 employers for the immediately preceding calendar year. Schedules A



through I appearing on the line opposite the fund ratio in the schedule below are applicable in determining and assigning each employer's contribution rate for the calendar year immediately following the determination date. For purposes of this subsection, "total payroll" means total remuneration reported by all contributing employers as required by this article and does not include the total payroll of any employer who elected ~~or is required~~ to become liable for payments in lieu of contributions (as defined in IC 22-4-2-32). For purposes of this subsection, "subject employers" means those employers who are subject to contribution.

#### FUND RATIO SCHEDULE

When the Fund Ratio Is:

As Much As	But Less Than	Applicable Schedule
	0.2%	A
0.2%	0.4%	B
0.4%	0.6%	C
0.6%	0.8%	D
0.8%	1.0%	E
1.0%	1.2%	F
1.2%	1.4%	G
1.4%	1.6%	H
1.6%		I

(c) For calendar year 2010 only, Schedule B applies in determining and assigning each employer's contribution rate.

(d) Any adjustment in the amount charged to any employer's experience account made subsequent to the assignment of rates of contributions for any calendar year shall not operate to alter the amount charged to the experience accounts of any other base-period employers.

SECTION 58. IC 22-4-17-2, AS AMENDED BY P.L.175-2009, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) When an individual files an initial claim, the department shall promptly follow the procedure described in subsections (b) through (e) to make a determination of the individual's status as an insured worker in a form prescribed by the department. A written notice of the determination of insured status shall be furnished to the individual promptly. The notice must include the time by which the employer is required to respond to the department's notice of the individual's claim, and complete information about the rules of evidence and standards of proof that the department will apply to determine the validity of the individual's claim, if the employer disputes the claim. Each such determination shall be based on and include a written statement showing the amount of wages paid to the individual for insured work by each employer during the individual's base period and shall include a finding as to whether such wages meet the requirements for the individual to be an insured worker, and, if so,



1 the week ending date of the first week of the individual's benefit period,  
2 the individual's weekly benefit amount, and the maximum amount of  
3 benefits that may be paid to the individual for weeks of unemployment  
4 in the individual's benefit period. For the individual who is not insured,  
5 the notice shall include the reason for the determination. Unless the  
6 individual, within ten (10) days after such determination was mailed to  
7 the individual's last known address, or otherwise delivered to the  
8 individual, asks a hearing thereon before an administrative law judge,  
9 such determination shall be final and benefits shall be paid or denied  
10 in accordance therewith.

11 (b) Not later than January 1, 2010, the department shall establish an  
12 unemployment claims compliance center. When an individual files an  
13 initial claim after the unemployment claims compliance center is  
14 established, the department, before making a determination that the  
15 individual is eligible for benefits, shall compare the information  
16 provided by the individual making the claim with information from the  
17 separating employer concerning the individual's eligibility for benefits.  
18 If the information provided by the individual making the claim does not  
19 match the information from the separating employer, the department  
20 may not pay the individual benefits and shall refer the individual's  
21 claim to the department's unemployment claims compliance center for  
22 investigation. The department shall provide a written notice to the  
23 individual who filed the claim that the individual's claim is being  
24 referred to the unemployment claims compliance center, including the  
25 reason for the referral.

26 (c) After receiving a claim from the department, the unemployment  
27 claims compliance center shall contact the separating employer that  
28 provided information that does not match information provided by the  
29 individual making the claim to obtain information about the claim that  
30 is accurate and sufficient for the department to determine whether the  
31 individual is eligible for benefits. The center shall also obtain from the  
32 employer the name and address of a person to receive without delay  
33 notices served on the employer concerning the claim.

34 (d) Except as provided in subsection (e), the department may not  
35 pay the individual benefits under this article as long as the discrepancy  
36 between the information provided by the individual and the information  
37 provided by the individual's separating employer is unresolved. If the  
38 information provided by an individual and the information provided by  
39 the individual's separating employer does not match, the department  
40 shall notify both the separating employer and the individual that they  
41 have forty-eight (48) hours to resolve the discrepancy. If the  
42 discrepancy is not resolved at the end of the forty-eighth hour, the  
43 department shall use the information provided by the employer to  
44 determine the individual's eligibility for benefits.

45 (e) If the employer does not respond to the inquiry from the  
46 unemployment claims compliance center within five (5) days after the



1 date of the inquiry, the center shall report to the department that the  
 2 employer has not responded, and the department shall use the  
 3 information provided by the individual to determine the individual's  
 4 eligibility for benefits.

5 (f) After the department makes a determination concerning the  
 6 individual's eligibility for benefits, the department shall promptly  
 7 furnish each employer in the base period whose experience or  
 8 reimbursable account is potentially chargeable with benefits to be paid  
 9 to such individual with a notice in writing of the employer's benefit  
 10 liability. The notice shall contain the date, the name and Social Security  
 11 account number of the individual, the ending date of the individual's  
 12 base period, the week ending date of the first week of the individual's  
 13 benefit period, the time by which the employer is required to respond  
 14 to the notice, and complete information about the rules of evidence and  
 15 standards of proof that the department will apply to determine the  
 16 validity of a claim, if an employer disputes the claim. The notice shall  
 17 further contain information as to the proportion of benefits chargeable  
 18 to the employer's experience or reimbursable account in ratio to the  
 19 earnings of such individual from such employer. Unless the employer  
 20 within ten (10) days after such notice of benefit liability was mailed to  
 21 the employer's last known address, or otherwise delivered to the  
 22 employer, asks a hearing thereon before an administrative law judge,  
 23 such determination shall be final and benefits paid shall be charged in  
 24 accordance therewith.

25 (g) An employing unit, including an employer, having knowledge  
 26 of any facts which may affect an individual's eligibility or right to  
 27 waiting period credits or benefits, shall notify the department of such  
 28 facts within ten (10) days after the mailing of notice that a former  
 29 employee has filed an initial or additional claim for benefits on a form  
 30 prescribed by the department.

31 (h) If, after the department determines that additional information  
 32 is necessary to make a determination under this chapter:

33 (1) the department makes a request in writing for additional  
 34 information from an employing unit, including an employer, on  
 35 a form prescribed by the department; and

36 (2) the employing unit fails to respond within ten (10) days after  
 37 the date the request is delivered to the employing unit;

38 the department shall make the determination with the information  
 39 available.

40 (i) If:

41 (1) an employer subsequently obtains a determination by the  
 42 department that the employee is not eligible for benefits; and

43 (2) the determination is at least in part based on information that  
 44 the department requested from the employer under subsection (h),  
 45 but which the employer failed to provide within ten (10) days  
 46 after the department's request was delivered to the employer;



the employer's experience account shall be charged an amount equal to fifty percent (50%) of the benefits paid to the employee to which the employee was not entitled.

(j) If:

(1) the employer's experience account is charged under subsection

(i); and

(2) the employee repays all or a part of the benefits on which the charge under subsection (i) is based;

the employer shall receive a credit to the employer's experience account that is equal to the amount of the employee's repayment up to the amount charged to the employer's experience account under subsection (i).

(k) In addition to the foregoing determination of insured status by the department, the deputy shall, throughout the benefit period, determine the claimant's eligibility with respect to each week for which the claimant claims waiting period credit or benefit rights, the validity of the claimant's claim therefor, and the cause for which the claimant left the claimant's work, or may refer such claim to an administrative law judge who shall make the initial determination with respect thereto in accordance with the procedure in section 3 of this chapter.

(l) In cases where the claimant's benefit eligibility or disqualification is disputed, the department shall promptly notify the claimant and the employer or employers directly involved or connected with the issue raised as to the validity of such claim, the eligibility of the claimant for waiting period credit or benefits, or the imposition of a disqualification period or penalty, or the denial thereof, and of the cause for which the claimant left the claimant's work, of such determination and the reasons thereof.

(m) Except as otherwise hereinafter provided in this section regarding parties located in Alaska, Hawaii, and Puerto Rico, unless the claimant or such employer, within ten (10) days after the notification required by subsection ~~(k)~~ (l) was mailed to the claimant's or the employer's last known address or otherwise delivered to the claimant or the employer, asks for a hearing before an administrative law judge thereon, such decision shall be final and benefits shall be paid or denied in accordance therewith.

(n) For a notice of disputed administrative determination or decision mailed or otherwise delivered to the claimant or employer either of whom is located in Alaska, Hawaii, or Puerto Rico, unless the claimant or employer, within fifteen (15) days after the notification required by subsection ~~(k)~~ (l) was mailed to the claimant's or employer's last known address or otherwise delivered to the claimant or employer, asks for a hearing before an administrative law judge thereon, such decision shall be final and benefits shall be paid or denied in accordance therewith.

(o) If a claimant or an employer requests a hearing under subsection (m) or (n), the request therefor shall be filed with the department in



1 writing within the prescribed periods as above set forth in this section  
 2 and shall be in such form as the department may prescribe. In the event  
 3 a hearing is requested by an employer or the department after it has  
 4 been administratively determined that benefits should be allowed to a  
 5 claimant, entitled benefits shall continue to be paid to said claimant  
 6 unless said administrative determination has been reversed by a due  
 7 process hearing. Benefits with respect to any week not in dispute shall  
 8 be paid promptly regardless of any appeal.

9 (p) A person may not participate on behalf of the department in any  
 10 case in which the person is an interested party.

11 (q) Solely on the ground of obvious administrative error appearing  
 12 on the face of an original determination, and within the benefit year of  
 13 the affected claims, the commissioner, or a representative authorized  
 14 by the commissioner to act in the commissioner's behalf, may  
 15 reconsider and direct the deputy to revise the original determination so  
 16 as to correct the obvious error appearing therein. Time for filing an  
 17 appeal and requesting a hearing before an administrative law judge  
 18 regarding the determinations handed down pursuant to this subsection  
 19 shall begin on the date following the date of revision of the original  
 20 determination and shall be filed with the commissioner in writing  
 21 within the prescribed periods as above set forth in subsection (g).

22 (r) Notice to the employer and the claimant that the determination  
 23 of the department is final if a hearing is not requested shall be  
 24 prominently displayed on the notice of the determination which is sent  
 25 to the employer and the claimant.

26 (s) If an allegation of the applicability of IC 22-4-15-1(c)(8) is made  
 27 by the individual at the time of the claim for benefits, the department  
 28 shall not notify the employer of the claimant's current address or  
 29 physical location.

30 SECTION 59. IC 22-8-1.1-35.7, AS ADDED BY P.L.33-2009,  
 31 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 32 UPON PASSAGE]: Sec. 35.7. (a) If an employer fails to pay a penalty  
 33 assessed under this chapter within ten (10) calendar days of the date  
 34 that the assessment is final under section 35.6 of this chapter, the  
 35 commissioner or the commissioner's representative may file with the  
 36 circuit court clerk of any county in which the employer owns any  
 37 interest in property, real or personal, tangible or intangible, a warrant  
 38 for the amount of the assessment and interest, if applicable. The  
 39 commissioner or the commissioner's representative may also send the  
 40 warrant to the sheriff of any county in which the employer owns real or  
 41 personal property and direct the sheriff to file the warrant with the  
 42 circuit court clerk.

43 (b) When the circuit court clerk receives the warrant from the  
 44 commissioner, the commissioner's representative, or the sheriff, the  
 45 clerk shall record the warrant by making an entry in the judgment  
 46 debtor's column of the judgment record listing the following:





(1) The name of the employer stated in the warrant.

(2) The amount of the warrant.

(3) The date the warrant was filed with the clerk.

(c) When the entry is made, the total amount of the warrant becomes a judgment against the employer. The judgment creates a lien in favor of the state that attaches to all the employer's interest in any real or personal property in the county.

(d) At least thirty (30) calendar days before the date on which the commissioner intends to file a warrant as provided by subsection (a) in order to impose a lien on real or personal property, the commissioner or the commissioner's representative must send a written notice:

(1) to the owner of the real or personal property that would be subject to the lien; or

(2) if the owner of record cannot be identified, to the tenant or other person having control of the real or personal property;

of the date on which the commissioner or the commissioner's representative intends to file the warrant in order to impose a lien on the real or personal property. The commissioner or the commissioner's representative shall provide the circuit court clerk of the county in which the real or personal property that would be subject to the lien is located with a copy of the written notice described in this subsection.

(e) A judgment obtained under subsection (c) is valid for ten (10) years from the date the ~~judgment~~ **judgment** is filed.

(f) A judgment obtained under subsection (c) shall be released by the commissioner:

(1) after the judgment, including all accrued interest to the date of payment, has been fully satisfied; or

(2) if the commissioner determines that the assessment or the issuance of the warrant was in error.

(g) If the commissioner determines that the filing of a warrant was in error, the commissioner or the commissioner's representative shall mail a release of the judgment to the employer and the circuit court clerk of each county where the warrant was filed. The commissioner or the commissioner's representative shall mail the release as soon as possible but not later than seven (7) calendar days after:

(1) the determination by the commissioner that the filing of the warrant was in error; and

(2) the receipt of information by the commissioner or the commissioner's representative that the judgment has been recorded under subsection (b).

(h) A release issued under subsection (g) must state that the filing of the warrant was in error.

(i) After a warrant becomes a judgment under subsection ~~(b)~~, (c), the commissioner may levy upon the property of the employer that is held by a financial institution (as defined in IC 5-13-4-10) by sending a claim to the financial institution. Upon receipt of a claim under this



subsection, the financial institution shall surrender to the commissioner or the commissioner's representative the employer's property. If the **amount or value of the** employer's property exceeds the amount owed to the state by the employer, the financial institution shall surrender the employer's property in ~~a~~ **an** amount equal to the amount owed. After receiving the commissioner's notice of levy, the financial institution is required to place a sixty (60) day hold ~~on~~ or restriction on the withdrawal of funds the employer has on deposit or subsequently deposits, in an amount not to exceed the amount owed.

SECTION 60. IC 22-12-6-15, AS AMENDED BY P.L.1-2006, SECTION 356, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) As used in this section, "credit card" means a bank card, debit card, charge card, prepaid card, or other similar device used for payment.

(b) In addition to other methods of payment allowed by law, the department may accept payment by credit card for certifications, licenses, and fees, and other amounts payable to the following:

- (1) The department.
- (2) The division of preparedness and training.
- (3) The fire prevention and building safety commission.
- (4) The regulated amusement device safety board.
- (5) The boiler and pressure vessel rules board.
- (6) The Indiana ~~emergency management, fire and building services, and public safety training~~ **homeland security** foundation.
- (7) The division of fire and building safety.

(c) The department may enter into appropriate agreements with banks or other organizations authorized to do business in Indiana to enable the department to accept payment by credit card.

(d) The department may recognize net amounts remitted by the bank or other organization as payment in full of amounts due the department.

(e) The department may pay any applicable credit card service charge or fee.

SECTION 61. IC 23-1-35-5, AS ADDED BY P.L.133-2009, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) A director's taking advantage, directly or indirectly, of a business opportunity may not be the subject of equitable relief, or give rise to an award of damages or other sanctions against the director, in a proceeding by or in the right of the corporation on the ground that the opportunity should have first been offered to the corporation, if one (1) or more of the following applies:

- (1) The opportunity and all material facts concerning the opportunity then known to the director were disclosed to or known by the board of directors or a committee of the board of directors before the director became legally obligated regarding the opportunity, and the board of directors or committee of the



board of directors disclaimed the corporation's interest in the opportunity.

(2) The opportunity and all material facts concerning the business opportunity then known to the director were disclosed to or known by the shareholders entitled to vote before the director became legally obligated regarding the opportunity, and the shareholders disclaimed the corporation's interest in the opportunity.

(b) For purposes of subsection (a)(1), a business opportunity is disclaimed if approved in the manner provided in ~~IC 23-1-35-2(c)~~ **section 2(c) of this chapter** as if the business opportunity were a conflict of interest transaction.

(c) For purposes of subsection (a)(2), a business opportunity is disclaimed if approved in the manner provided in ~~IC 23-1-35-2(d)~~ **section 2(d) of this chapter** as if the business opportunity were a conflict of interest transaction.

(d) In any proceeding seeking equitable relief or other remedies against a director for the director allegedly improperly taking advantage of a business opportunity, the fact that the director did not employ the procedure described in subsection (a) before taking advantage of the opportunity does not create an inference that the opportunity should have been first presented to the corporation or alter the burden of proof otherwise applicable to establish that the director breached a duty to the corporation under the circumstances.

SECTION 62. IC 23-19-4-11, AS AMENDED BY P.L.149-2009, SECTION 1, AND AS AMENDED BY P.L.156-2009, SECTION 22, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) Subject to Section 15(h) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(h)) or Section 222 of the Investment Advisers Act of 1940 (15 U.S.C. 80b-18a), a rule adopted or order issued under this article may establish minimum financial requirements for broker-dealers registered or required to be registered under this article and investment advisers registered or required to be registered under this article.

(b) Subject to Section 15(h) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(h)) or Section 222(b) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-18a(b)), a broker-dealer registered or required to be registered under this article and an investment adviser registered or required to be registered under this article shall file such financial reports as are required by a rule adopted or order issued under this article. If the information contained in a record filed under this subsection is or becomes inaccurate or incomplete in a material respect, the registrant shall promptly file a correcting amendment.

(c) Subject to Section 15(h) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(h)) or Section 222 of the Investment Advisers Act of 1940 (15 U.S.C. 80b-18a):



(1) a broker-dealer registered or required to be registered under this article and an investment adviser registered or required to be registered under this article shall make and maintain the accounts, correspondence, memoranda, papers, books, and other records required by rule adopted or order issued under this article;

(2) broker-dealer records required to be maintained under subdivision (1) may be maintained in any form of data storage acceptable under Section 17(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78q(a)) if they are readily accessible to the commissioner; and

(3) investment adviser records required to be maintained under subdivision (1) may be maintained in any form of data storage required by rule adopted or order issued under this article.

(d) The records of a broker-dealer registered or required to be registered under this article and of an investment adviser registered or required to be registered under this article are subject to such reasonable periodic, special, or other audits or inspections by a representative of the commissioner, within or outside this state, as the commissioner considers necessary or appropriate in the public interest and for the protection of investors. An audit or inspection may be made at any time and without prior notice. The commissioner may copy, and remove for audit or inspection copies of, all records the commissioner reasonably considers necessary or appropriate to conduct the audit or inspection. The commissioner may assess a reasonable charge for conducting an audit or inspection under this subsection.

(e) Subject to Section 15(h) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(h)) or Section 222 of the Investment Advisers Act of 1940 (15 U.S.C. 80b-18a), a rule adopted or order issued under this article may require a broker-dealer or investment adviser that has custody of or discretionary authority over funds or securities of a customer or client to obtain insurance or post a bond or other satisfactory form of security in an amount not to exceed fifty thousand dollars (\$50,000). The commissioner may determine the requirements of the insurance, bond, or other satisfactory form of security. Insurance or a bond or other satisfactory form of security may not be required of a broker-dealer registered under this article whose net capital exceeds, or of an investment adviser registered under this article whose minimum financial requirements exceed, the amounts required by rule or order under this article. The insurance, bond, or other satisfactory form of security must permit an action by a person to enforce any liability on the insurance, bond, or other satisfactory form of security if instituted within the time limitations in IC 23-19-5-9(g).

(f) Subject to Section 15(h) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(h)) or Section 222 of the Investment Advisers Act of 1940 (15 U.S.C. 80b-18a), an agent may not have custody of funds or securities of a customer except under the supervision of a broker-dealer



1 and an investment adviser representative may not have custody of  
 2 funds or securities of a client except under the supervision of an  
 3 investment adviser or a federal covered investment adviser. A rule  
 4 adopted or order issued under this article may prohibit, limit, or impose  
 5 conditions on a broker-dealer regarding custody of funds or securities  
 6 of a customer and on an investment adviser regarding custody of  
 7 securities or funds of a client.

8 (g) With respect to an investment adviser registered or required to  
 9 be registered under this article, a rule adopted or order issued under  
 10 this article may require that information or other records be furnished  
 11 or disseminated to clients or prospective clients in this state as  
 12 necessary or appropriate in the public interest and for the protection of  
 13 investors and advisory clients.

14 (h) A rule adopted or order issued under this article may require an  
 15 individual registered under section 2 or 4 of this chapter to participate  
 16 in a continuing education program approved by the Securities and  
 17 Exchange Commission and administered by a self-regulatory  
 18 organization or, in the absence of such a program, a rule adopted or  
 19 order issued under this article may require continuing education for an  
 20 individual registered under section 4 of this chapter.

21 (i) *Subject to section 11.5 of this chapter*, the commissioner may  
 22 annually select as many as twenty-five percent (25%) of all Indiana  
 23 home and branch offices of registered broker-dealers for completion of  
 24 compliance reports. *Subject to section 11.5 of this chapter*, each  
 25 broker-dealer office that is selected shall file its compliance report  
 26 according to rules adopted by the commissioner under this article not  
 27 ~~more~~ later than ~~ninety (90)~~ forty-five (45) days after being notified of  
 28 selection under this subsection. No charges or other examination fees  
 29 may be assessed against a registered broker-dealer as a result of the  
 30 examination of a compliance report filed under this subsection unless  
 31 the examination results in an investigation or examination made under  
 32 IC 23-19-6-2(a).

33 SECTION 63. IC 24-4-17-9, AS ADDED BY P.L.85-2009,  
 34 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 35 UPON PASSAGE]: Sec. 9. (a) If ~~a~~ an item is trust property under  
 36 section 8 of this chapter when a retail merchant initially receives it, the  
 37 item remains trust property until the balance due the consignor from  
 38 the sale of the item is paid in full, even if the retail merchant directly  
 39 or indirectly purchases the item for the retail merchant's own account.

40 (b) If ~~an~~ a retail merchant resells an item described in subsection (a)  
 41 to a bona fide purchaser before the consignor has been paid in full, the  
 42 item ceases to be trust property and the proceeds of the resale are trust  
 43 funds in the hands of the retail merchant for the benefit of the  
 44 consignor to the extent necessary to pay any balance due the consignor.  
 45 The trusteeship of the proceeds continues until the fiduciary obligation  
 46 of the retail merchant with respect to the transaction is discharged in



1 full.

2 SECTION 64. IC 24-4-17-10, AS ADDED BY P.L.85-2009,  
3 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 UPON PASSAGE]: Sec. 10. Trust property under section ~~10 or 11~~ **8 or**  
5 **9** of this chapter is not subject to a claim, lien, or security interest of a  
6 creditor of the retail merchant.

7 SECTION 65. IC 24-4-17-11, AS ADDED BY P.L.85-2009,  
8 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
9 UPON PASSAGE]: Sec. 11. (a) A retail merchant may accept an item  
10 for commission on consignment from a person only if, not later than  
11 seven (7) days after accepting the item, the retail merchant enters into  
12 a written contract with the person that specifies the following:

- 13 (1) The value of the item.
- 14 (2) The time within which the proceeds from the sale must be
- 15 paid to the consignor if the item is sold.
- 16 (3) The commission the retail merchant is to receive if the item is
- 17 sold.
- 18 (4) The minimum price for the sale of the item.
- 19 (5) Any discounts ordinarily given by the retail merchant in the
- 20 regular course of business.

21 (b) If a ~~consignor~~ **retail merchant** violates this section, the  
22 consignor may bring an action in a court with jurisdiction to void the  
23 consignor's contractual obligations to the retail merchant. A retail  
24 merchant who violates this section is liable to the consignor in an  
25 amount equal to:

- 26 (1) fifty dollars (\$50);
- 27 (2) any actual, consequential, or incidental damages sustained by
- 28 the consignor because of the violation of this section; and
- 29 (3) reasonable attorney's fees.

30 SECTION 66. IC 25-1-2-6, AS AMENDED BY P.L.122-2009,  
31 SECTION 1, AND AS AMENDED BY P.L.160-2009, SECTION 4, IS  
32 CORRECTED AND AMENDED TO READ AS FOLLOWS  
33 [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) As used in this section,  
34 "license" includes all occupational and professional licenses,  
35 registrations, permits, and certificates issued under the Indiana Code,  
36 and "licensee" includes all occupational and professional licensees,  
37 registrants, permittees, and certificate holders regulated under the  
38 Indiana Code.

39 (b) This section applies to the following entities that regulate  
40 occupations or professions under the Indiana Code:

- 41 (1) Indiana board of accountancy.
- 42 (2) Indiana grain buyers and warehouse licensing agency.
- 43 (3) Indiana auctioneer commission.
- 44 (4) Board of registration for architects and landscape architects.
- 45 (5) State board of barber examiners.
- 46 (6) State board of cosmetology examiners.



- 1 (7) Medical licensing board of Indiana.
- 2 (8) Secretary of state.
- 3 (9) State board of dentistry.
- 4 (10) State board of funeral and cemetery service.
- 5 (11) Worker's compensation board of Indiana.
- 6 (12) Indiana state board of health facility administrators.
- 7 (13) Committee of hearing aid dealer examiners.
- 8 (14) Indiana state board of nursing.
- 9 (15) Indiana optometry board.
- 10 (16) Indiana board of pharmacy.
- 11 (17) Indiana plumbing commission.
- 12 (18) Board of podiatric medicine.
- 13 (19) Private investigator and security guard licensing board.
- 14 (20) State board of registration for professional engineers.
- 15 (21) Board of environmental health specialists.
- 16 (22) State psychology board.
- 17 (23) Indiana real estate commission.
- 18 (24) Speech-language pathology and audiology board.
- 19 (25) Department of natural resources.
- 20 (26) State ~~boxing~~ athletic commission.
- 21 (27) Board of chiropractic examiners.
- 22 (28) Mining board.
- 23 (29) Indiana board of veterinary medical examiners.
- 24 (30) State department of health.
- 25 (31) Indiana physical therapy committee.
- 26 (32) Respiratory care committee.
- 27 (33) Occupational therapy committee.
- 28 (34) *Social worker, marriage and family therapist, and mental*
- 29 *health counselor Behavioral health and human services licensing*
- 30 *board.*
- 31 (35) Real estate appraiser licensure and certification board.
- 32 (36) State board of registration for land surveyors.
- 33 (37) Physician assistant committee.
- 34 (38) Indiana dietitians certification board.
- 35 (39) Indiana hypnotist committee.
- 36 (40) Attorney general (only for the regulation of athlete agents).
- 37 (41) Manufactured home installer licensing board.
- 38 (42) Home inspectors licensing board.
- 39 (43) State board of massage therapy.
- 40 (44) Any other occupational or professional agency created after
- 41 June 30, 1981.

42 (c) Notwithstanding any other law, the entities included in  
 43 subsection (b) shall send a notice of the upcoming expiration of a  
 44 license to each licensee at least sixty (60) days prior to the expiration  
 45 of the license. The notice must inform the licensee of the need to renew  
 46 and the requirement of payment of the renewal fee. If this notice of



1 expiration is not sent by the entity, the licensee is not subject to a  
 2 sanction for failure to renew if, once notice is received from the entity,  
 3 the license is renewed within forty-five (45) days of the receipt of the  
 4 notice.

5 SECTION 67. IC 25-1-4-0.3, AS AMENDED BY P.L.122-2009,  
 6 SECTION 2, AND AS AMENDED BY P.L.160-2009, SECTION 5, IS  
 7 CORRECTED AND AMENDED TO READ AS FOLLOWS  
 8 [EFFECTIVE UPON PASSAGE]: Sec. 0.3. As used in this chapter,  
 9 "board" means any of the following:

- 10 (1) Indiana board of accountancy (IC 25-2.1-2-1).
- 11 (2) Board of registration for architects and landscape architects
- 12 (IC 25-4-1-2).
- 13 (3) Indiana athletic trainers board (IC 25-5.1-2-1).
- 14 (4) Indiana auctioneer commission (IC 25-6.1-2-1).
- 15 (5) State board of barber examiners (IC 25-7-5-1).
- 16 ~~(6) State boxing commission (IC 25-9-1).~~
- 17 ~~(7) (6) Board of chiropractic examiners (IC 25-10-1).~~
- 18 ~~(8) (7) State board of cosmetology examiners (IC 25-8-3-1).~~
- 19 ~~(9) (8) State board of dentistry (IC 25-14-1).~~
- 20 ~~(10) (9) Indiana dietitians certification board (IC 25-14.5-2-1).~~
- 21 ~~(11) (10) State board of registration for professional engineers~~
- 22 ~~(IC 25-31-1-3).~~
- 23 ~~(12) (11) Board of environmental health specialists (IC 25-32-1).~~
- 24 ~~(13) (12) State board of funeral and cemetery service~~
- 25 ~~(IC 25-15-9).~~
- 26 ~~(14) (13) Indiana state board of health facility administrators~~
- 27 ~~(IC 25-19-1).~~
- 28 ~~(15) (14) Committee of hearing aid dealer examiners~~
- 29 ~~(IC 25-20-1-1.5).~~
- 30 ~~(16) (15) Home inspectors licensing board (IC 25-20.2-3-1).~~
- 31 ~~(17) (16) Indiana hypnotist committee (IC 25-20.5-1-7).~~
- 32 ~~(18) (17) State board of registration for land surveyors~~
- 33 ~~(IC 25-21.5-2-1).~~
- 34 ~~(19) (18) Manufactured home installer licensing board~~
- 35 ~~(IC 25-23.7).~~
- 36 ~~(20) (19) Medical licensing board of Indiana (IC 25-22.5-2).~~
- 37 ~~(21) (20) Indiana state board of nursing (IC 25-23-1).~~
- 38 ~~(22) (21) Occupational therapy committee (IC 25-23.5).~~
- 39 ~~(23) (22) Indiana optometry board (IC 25-24).~~
- 40 ~~(24) (23) Indiana board of pharmacy (IC 25-26).~~
- 41 ~~(25) (24) Indiana physical therapy committee (IC 25-27-1).~~
- 42 ~~(26) (25) Physician assistant committee (IC 25-27.5).~~
- 43 ~~(27) (26) Indiana plumbing commission (IC 25-28.5-1-3).~~
- 44 ~~(28) (27) Board of podiatric medicine (IC 25-29-2-1).~~
- 45 ~~(29) (28) Private investigator and security guard licensing board~~
- 46 ~~(IC 25-30-1-5.2).~~





- 1 ~~(30)~~ (29) State psychology board (IC 25-33).  
 2 ~~(31)~~ (30) Indiana real estate commission (IC 25-34.1-2).  
 3 ~~(32)~~ (31) Real estate appraiser licensure and certification board  
 4 (IC 25-34.1-8).  
 5 ~~(33)~~ (32) Respiratory care committee (IC 25-34.5).  
 6 ~~(34)~~ (33) *Social worker, marriage and family therapist, and*  
 7 *mental health counselor Behavioral health and human services*  
 8 *licensing board* (IC 25-23.6).  
 9 ~~(35)~~ (34) Speech-language pathology and audiology board  
 10 (IC 25-35.6-2).  
 11 ~~(36)~~ (35) Indiana board of veterinary medical examiners  
 12 (IC 25-38.1-2).

13 SECTION 68. IC 25-1-7-1, AS AMENDED BY P.L.1-2009,  
 14 SECTION 138, AS AMENDED BY P.L.122-2009, SECTION 5, AND  
 15 AS AMENDED BY P.L.160-2009, SECTION 7, IS CORRECTED  
 16 AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON  
 17 PASSAGE]: Sec. 1. As used in this chapter:

18 "Board" means the appropriate agency listed in the definition of  
 19 regulated occupation in this section.

20 "Director" refers to the director of the division of consumer  
 21 protection.

22 "Division" refers to the division of consumer protection, office of  
 23 the attorney general.

24 "Licensee" means a person who is:

- 25 (1) licensed, certified, or registered by a board listed in this  
 26 section; and  
 27 (2) the subject of a complaint filed with the division.

28 "Person" means an individual, a partnership, a limited liability  
 29 company, or a corporation.

30 "Regulated occupation" means an occupation in which a person is  
 31 licensed, certified, or registered by one (1) of the following:

- 32 (1) Indiana board of accountancy (IC 25-2.1-2-1).  
 33 (2) Board of registration for architects and landscape architects  
 34 (IC 25-4-1-2).  
 35 (3) Indiana auctioneer commission (IC 25-6.1-2-1).  
 36 (4) State board of barber examiners (IC 25-7-5-1).  
 37 (5) State ~~boxing~~ athletic commission (IC 25-9-1).  
 38 (6) Board of chiropractic examiners (IC 25-10-1).  
 39 (7) State board of cosmetology examiners (IC 25-8-3-1).  
 40 (8) State board of dentistry (IC 25-14-1).  
 41 (9) State board of funeral and cemetery service (IC 25-15-9).  
 42 (10) State board of registration for professional engineers  
 43 (IC 25-31-1-3).  
 44 (11) Indiana state board of health facility administrators  
 45 (IC 25-19-1).  
 46 (12) Medical licensing board of Indiana (IC 25-22.5-2).



- 1 (13) Indiana state board of nursing (IC 25-23-1).
- 2 (14) Indiana optometry board (IC 25-24).
- 3 (15) Indiana board of pharmacy (IC 25-26).
- 4 (16) Indiana plumbing commission (IC 25-28.5-1-3).
- 5 (17) Board of podiatric medicine (IC 25-29-2-1).
- 6 (18) Board of environmental health specialists (IC 25-32-1).
- 7 (19) State psychology board (IC 25-33).
- 8 (20) Speech-language pathology and audiology board
- 9 (IC 25-35.6-2).
- 10 (21) Indiana real estate commission (IC 25-34.1-2).
- 11 (22) Indiana board of veterinary medical examiners (IC 25-38.1).
- 12 (23) Department of natural resources for purposes of licensing
- 13 water well drillers under IC 25-39-3.
- 14 (24) Respiratory care committee (IC 25-34.5).
- 15 (25) Private investigator and security guard licensing board
- 16 (IC 25-30-1-5.2).
- 17 (26) Occupational therapy committee (IC 25-23.5).
- 18 (27) *Social worker, marriage and family therapist, and mental*
- 19 *health counselor Behavioral health and human services licensing*
- 20 board (IC 25-23.6).
- 21 (28) Real estate appraiser licensure and certification board
- 22 (IC 25-34.1-8).
- 23 (29) State board of registration for land surveyors
- 24 (IC 25-21.5-2-1).
- 25 (30) Physician assistant committee (IC 25-27.5).
- 26 (31) Indiana athletic trainers board (IC 25-5.1-2-1).
- 27 (32) Indiana dietitians certification board (IC 25-14.5-2-1).
- 28 (33) Indiana hypnotist committee (IC 25-20.5-1-7).
- 29 (34) Indiana physical therapy committee (IC 25-27).
- 30 (35) Manufactured home installer licensing board (IC 25-23.7).
- 31 (36) Home inspectors licensing board (IC 25-20.2-3-1).
- 32 (37) State department of health, for out-of-state mobile health
- 33 care entities.
- 34 (38) State board of massage therapy (IC 25-21.8-2-1).
- 35 (39) Any other occupational or professional agency created after
- 36 June 30, 1981.

37 SECTION 69. IC 25-1-8-1, AS AMENDED BY P.L.122-2009,  
 38 SECTION 6, AND AS AMENDED BY P.L.160-2009, SECTION 8, IS  
 39 CORRECTED AND AMENDED TO READ AS FOLLOWS  
 40 [EFFECTIVE UPON PASSAGE]: Sec. 1. As used in this chapter,  
 41 "board" means any of the following:

- 42 (1) Indiana board of accountancy (IC 25-2.1-2-1).
- 43 (2) Board of registration for architects and landscape architects
- 44 (IC 25-4-1-2).
- 45 (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- 46 (4) State board of barber examiners (IC 25-7-5-1).



- 1 (5) State ~~boxing~~ *athletic* commission (IC 25-9-1).
- 2 (6) Board of chiropractic examiners (IC 25-10-1).
- 3 (7) State board of cosmetology examiners (IC 25-8-3-1).
- 4 (8) State board of dentistry (IC 25-14-1).
- 5 (9) State board of funeral and cemetery service (IC 25-15).
- 6 (10) State board of registration for professional engineers
- 7 (IC 25-31-1-3).
- 8 (11) Indiana state board of health facility administrators
- 9 (IC 25-19-1).
- 10 (12) Medical licensing board of Indiana (IC 25-22.5-2).
- 11 (13) Mining board (IC 22-10-1.5-2).
- 12 (14) Indiana state board of nursing (IC 25-23-1).
- 13 (15) Indiana optometry board (IC 25-24).
- 14 (16) Indiana board of pharmacy (IC 25-26).
- 15 (17) Indiana plumbing commission (IC 25-28.5-1-3).
- 16 (18) Board of environmental health specialists (IC 25-32-1).
- 17 (19) State psychology board (IC 25-33).
- 18 (20) Speech-language pathology and audiology board
- 19 (IC 25-35.6-2).
- 20 (21) Indiana real estate commission (IC 25-34.1-2-1).
- 21 (22) Indiana board of veterinary medical examiners
- 22 (IC 25-38.1-2-1).
- 23 (23) Department of insurance (IC 27-1).
- 24 (24) State police department (IC 10-11-2-4), for purposes of
- 25 certifying polygraph examiners under IC 25-30-2.
- 26 (25) Department of natural resources for purposes of licensing
- 27 water well drillers under IC 25-39-3.
- 28 (26) Private investigator and security guard licensing board
- 29 (IC 25-30-1-5.2).
- 30 (28) ~~Social worker, marriage and family therapist, and mental~~
- 31 ~~health counselor~~ Behavioral health and human services licensing
- 32 board (IC 25-23.6-2-1).
- 33 (29) Real estate appraiser licensure and certification board
- 34 (IC 25-34.1-8).
- 35 (30) State board of registration for land surveyors
- 36 (IC 25-21.5-2-1).
- 37 (31) Physician assistant committee (IC 25-27.5).
- 38 (32) Indiana athletic trainers board (IC 25-5.1-2-1).
- 39 (33) Board of podiatric medicine (IC 25-29-2-1).
- 40 (34) Indiana dietitians certification board (IC 25-14.5-2-1).
- 41 (35) Indiana physical therapy committee (IC 25-27).
- 42 (36) Manufactured home installer licensing board (IC 25-23.7).
- 43 (37) Home inspectors licensing board (IC 25-20.2-3-1).
- 44 (38) State board of massage therapy (IC 25-21.8-2-1).
- 45 (39) Any other occupational or professional agency created after
- 46 June 30, 1981.



SECTION 70. IC 25-1-8-6, AS AMENDED BY P.L.122-2009,  
SECTION 7, AND AS AMENDED BY P.L.160-2009, SECTION 9, IS  
CORRECTED AND AMENDED TO READ AS FOLLOWS  
[EFFECTIVE UPON PASSAGE]: Sec. 6. (a) As used in this section,  
"board" means any of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana athletic trainers board (IC 25-5.1-2-1).
- (4) Indiana auctioneer commission (IC 25-6.1-2-1).
- (5) State board of barber examiners (IC 25-7-5-1).
- ~~(6) State boxing commission (IC 25-9-1).~~
- ~~(7) (6)~~ Board of chiropractic examiners (IC 25-10-1).
- ~~(8) (7)~~ State board of cosmetology examiners (IC 25-8-3-1).
- ~~(9) (8)~~ State board of dentistry (IC 25-14-1).
- ~~(10) (9)~~ Indiana dietitians certification board (IC 25-14.5-2-1).
- ~~(11) (10)~~ State board of registration for professional engineers (IC 25-31-1-3).
- ~~(12) (11)~~ Board of environmental health specialists (IC 25-32-1).
- ~~(13) (12)~~ State board of funeral and cemetery service (IC 25-15-9).
- ~~(14) (13)~~ Indiana state board of health facility administrators (IC 25-19-1).
- ~~(15) (14)~~ Committee of hearing aid dealer examiners (IC 25-20-1-1.5).
- ~~(16) (15)~~ Home inspectors licensing board (IC 25-20.2-3-1).
- ~~(17) (16)~~ Indiana hypnotist committee (IC 25-20.5-1-7).
- ~~(18) (17)~~ State board of registration for land surveyors (IC 25-21.5-2-1).
- ~~(19) (18)~~ Manufactured home installer licensing board (IC 25-23.7).
- ~~(20) (19)~~ Medical licensing board of Indiana (IC 25-22.5-2).
- ~~(21) (20)~~ Indiana state board of nursing (IC 25-23-1).
- ~~(22) (21)~~ Occupational therapy committee (IC 25-23.5).
- ~~(23) (22)~~ Indiana optometry board (IC 25-24).
- ~~(24) (23)~~ Indiana board of pharmacy (IC 25-26).
- ~~(25) (24)~~ Indiana physical therapy committee (IC 25-27).
- ~~(26) (25)~~ Physician assistant committee (IC 25-27.5).
- ~~(27) (26)~~ Indiana plumbing commission (IC 25-28.5-1-3).
- ~~(28) (27)~~ Board of podiatric medicine (IC 25-29-2-1).
- ~~(29) (28)~~ Private investigator and security guard licensing board (IC 25-30-1-5.2).
- ~~(30) (29)~~ State psychology board (IC 25-33).
- ~~(31) (30)~~ Indiana real estate commission (IC 25-34.1-2).
- ~~(32) (31)~~ Real estate appraiser licensure and certification board (IC 25-34.1-8).



~~(33)~~ (32) Respiratory care committee (IC 25-34.5).

~~(34)~~ (33) *Social worker, marriage and family therapist, and mental health counselor* Behavioral health and human services licensing board (IC 25-23.6).

~~(35)~~ (34) Speech-language pathology and audiology board (IC 25-35.6-2).

~~(36)~~ (35) Indiana board of veterinary medical examiners (IC 25-38.1).

~~(37)~~ (36) State board of massage therapy (IC 25-21.8-2-1).

(b) This section does not apply to a license, certificate, or registration that has been revoked or suspended.

(c) Notwithstanding any other law regarding the reinstatement of a delinquent or lapsed license, certificate, or registration and except as provided in section 8 of this chapter, the holder of a license, certificate, or registration that was issued by the board that is three (3) years or less delinquent must be reinstated upon meeting the following requirements:

(1) Submission of the holder's completed renewal application.

(2) Payment of the current renewal fee established by the board under section 2 of this chapter.

(3) Payment of a reinstatement fee established by the Indiana professional licensing agency.

(4) If a law requires the holder to complete continuing education as a condition of renewal, the holder:

(A) shall provide the board with a sworn statement, signed by the holder, that the holder has fulfilled the continuing education requirements required by the board; or

(B) shall, if the holder has not complied with the continuing education requirements, meet any requirements imposed under IC 25-1-4-5 and IC 25-1-4-6.

(d) Notwithstanding any other law regarding the reinstatement of a delinquent or lapsed license, certificate, or registration and except as provided in section 8 of this chapter, unless a statute specifically does not allow a license, certificate, or registration to be reinstated if it has lapsed for more than three (3) years, the holder of a license, certificate, or registration that was issued by the board that is more than three (3) years delinquent must be reinstated upon meeting the following requirements:

(1) Submission of the holder's completed renewal application.

(2) Payment of the current renewal fee established by the board under section 2 of this chapter.

(3) Payment of a reinstatement fee equal to the current initial application fee.

(4) If a law requires the holder to complete continuing education as a condition of renewal, the holder:

(A) shall provide the board with a sworn statement, signed by



the holder, that the holder has fulfilled the continuing education requirements required by the board; or

(B) shall, if the holder has not complied with the continuing education requirements, meet any requirements imposed under IC 25-1-4-5 and IC 25-1-4-6.

(5) Complete such remediation and additional training as deemed appropriate by the board given the lapse of time involved.

(6) Any other requirement that is provided for in statute or rule that is not related to fees.

SECTION 71. IC 25-9-1-4.5, AS AMENDED BY P.L.160-2009, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4.5. (a) In accordance with IC 35-45-18-1(b), the commission may adopt rules under IC 4-22-2 to regulate the conduct of the following:

(1) Mixed martial arts.

(2) Martial arts, including the following:

(A) Jujutsu.

(B) Karate.

(C) Kickboxing.

(D) Kung fu.

(E) Tae kwon do.

(F) Judo.

(G) Sambo.

(H) Pankration.

(I) Shootwrestling.

(3) Professional wrestling.

(4) Boxing.

(5) Sparring.

(b) The ~~athletic~~ commission may adopt emergency rules under IC 4-22-2-37.1 if the ~~athletic~~ commission determines that:

(1) the need for a rule is so immediate and substantial that the ordinary rulemaking procedures under IC 4-22-2 are inadequate to address the need; and

(2) an emergency rule is likely to address the need.

SECTION 72. IC 25-14-5-6, AS ADDED BY P.L.177-2009, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. To be eligible for a grant, a dentist or dental hygienist must meet all the following conditions:

(1) Hold a license to practice as a dentist under this article or as a dental hygienist under IC 25-13-1.

(2) Has entered into an agreement with the committee to:

(A) either:

(i) commit to working five (5) years in ~~a~~ **an** underserved area or as a minority dentist or dental hygienist in Indiana for a yearly grant of thirty-five thousand dollars (\$35,000); or



(ii) commit to working two (2) years in ~~a~~ **an** underserved area or as a minority dentist or dental hygienist in Indiana for a yearly grant of thirty thousand dollars (\$30,000) with the option by the dentist or dental hygienist to serve up to three (3) additional years for a yearly grant of thirty-five thousand dollars (\$35,000);

(B) provide an average of at least forty (40) hours of dentistry per week in underserved areas or as a minority dentist or dental hygienist in Indiana;

(C) maintain a patient base that includes at least thirty percent (30%) as Medicaid patients; and

(D) provide a sliding fee scale, as approved by the committee, for low income patients.

(3) Has entered into an agreement with the committee that if the dentist or dental hygienist does not comply with the requirements in subdivision (2) that the dentist or dental hygienist will pay back to the committee seven thousand five hundred dollars (\$7,500), plus interest, for each month that the dentist or dental hygienist did not serve or had left to serve under the terms of the agreement.

SECTION 73. IC 25-17.3-4-2, AS ADDED BY P.L.177-2009, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The board may issue a temporary license to an applicant who:

(1) meets all the requirements for licensure under section 1 of this chapter except the examination for certification requirement set forth in section 1(4) of this chapter; and

(2) has an active candidate status for the certification.

(b) An individual who is ~~issued~~ **issued** a temporary license under this section:

(1) must apply for and take the next available examination for certification; and

(2) may practice under the temporary license only if directly supervised by a licensed genetic counselor or a physician licensed under IC 25-22.5 under a genetic supervision contract.

(c) An individual who holds a temporary license issued under this section and fails the examination for certification described in section 1(4) of this chapter for the first time may reapply for a second temporary license. The board may not issue a temporary license to an individual who has failed the examination for certification more than one (1) time.

(d) A temporary license issued under this section expires upon the earliest of the following:

(1) The date on which the individual meets the requirements of this chapter and is issued a license.

(2) The date that is thirty (30) days after the individual fails the



examination for certification described in section 1(4) of this chapter.

(3) The date printed on the temporary license.

(e) An individual who is issued a temporary license under this section shall inform the board of the results of the individual's examination for certification described in section 1(4) of this chapter.

SECTION 74. IC 26-1-9.1-509 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 509. (a) A person may file an initial financing statement, amendment that adds collateral covered by a financing statement, or amendment that adds a debtor to a financing statement only if:

(1) the debtor authorizes the filing in an authenticated record or under subsection (b) or (c); or

(2) the person holds an agricultural lien that has become effective at the time of filing and the financing statement covers only collateral in which the person holds an agricultural lien.

(b) By authenticating or becoming bound as debtor by a security agreement, a debtor or new debtor authorizes the filing of an initial financing statement, and an amendment, covering:

(1) the collateral described in the security agreement; and

(2) property that becomes collateral under IC 26-1-9.1-315(a)(2), whether or not the security agreement expressly covers proceeds.

(c) By acquiring collateral in which a security interest or agricultural lien continues under IC 26-1-9.1-315(a)(1), a debtor authorizes the filing of an initial financing statement, and an amendment, covering the collateral and property that becomes collateral under ~~IC 26-1-9.1-315(a)(2)~~. **IC 26-1-9.1-315(a)(2).**

(d) A person may file an amendment other than an amendment that adds collateral covered by a financing statement or an amendment that adds a debtor to a financing statement only if:

(1) the secured party of record authorizes the filing; or

(2) the amendment is a termination statement for a financing statement as to which the secured party of record has failed to file or send a termination statement as required by IC 26-1-9.1-513(a) or IC 26-1-9.1-513(c), the debtor authorizes the filing, and the termination statement indicates that the debtor authorized it to be filed.

(e) If there is more than one (1) secured party of record for a financing statement, each secured party of record may authorize the filing of an amendment under subsection (d).

SECTION 75. IC 27-8-22-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. As used in this chapter, "health care provider" has the meaning set forth in ~~IC 34-18-2-15~~. **IC 34-18-2-14.**

SECTION 76. IC 29-2-16.1-13, AS ADDED BY P.L.147-2007, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE





UPON PASSAGE]: Sec. 13. (a) As used in this section:

(1) "Administrator" means a hospital administrator or a hospital administrator's designee.

(2) "Gift" means a gift of all or any part of the human body made under this chapter.

(3) "Representative" means a person who is:

(1) (A) authorized under section 8 of this chapter to make a gift on behalf of a decedent; and

(2) (B) available at the time of the decedent's death when members of a prior class under section 8 of this chapter are unavailable.

(b) An administrator of each hospital or the administrator's designee may ask each patient who is at least eighteen (18) years of age if the patient is an organ or a tissue donor or if the patient desires to become an organ or a tissue donor.

(c) The governing board of each hospital shall adopt procedures to determine under what circumstances an administrator or an administrator's designee may ask a patient if the patient is an organ or a tissue donor or if the patient desires to become an organ or a tissue donor.

(d) The administrator shall inform the representative of the procedures available under this chapter for making a gift whenever:

(1) an individual dies in a hospital;

(2) the hospital has not been notified that a gift has been authorized under section 4 of this chapter; and

(3) a procurement organization determines that the individual's body may be suitable of yielding a gift.

(e) If:

(1) an individual makes an anatomical gift on the individual's driver's license or identification card under IC 9-24-17; and

(2) the individual dies in a hospital;

the person in possession of the individual's driver's license or identification card shall immediately produce the driver's license or identification card for examination upon request, as provided in section 10(l) of this chapter.

(f) A gift made in response to information provided under this section must be signed by the donor or made by the donor's telegraphic, recorded telephonic, or other recorded message.

(g) When a representative is informed under this section about the procedures available for making a gift, the fact that the representative was so informed must be noted in the decedent's medical record.

(h) A person who fails to discharge the duties imposed by this section is not subject to civil liability but may be subject to criminal liability or administrative sanctions.

SECTION 77. IC 31-9-2-52, AS AMENDED BY P.L.170-2009, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



UPON PASSAGE]: Sec. 52. "Health care provider", for purposes of IC 31-32-6-4, IC 31-32-11-1, **and** IC 31-33, ~~IC 31-34-7-4, and IC 31-39-8-4~~, means any of the following:

- (1) A licensed physician, intern, or resident.
- (2) An osteopath.
- (3) A chiropractor.
- (4) A dentist.
- (5) A podiatrist.
- (6) A registered nurse or other licensed nurse.
- (7) A mental health professional.
- (8) A paramedic or an emergency medical technician.
- (9) A social worker, an x-ray technician, or a laboratory technician employed by a hospital.
- (10) A pharmacist.
- (11) A person working under the direction of any of the practitioners listed in subdivisions (1) through (10).

SECTION 78. IC 31-19-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. The registry's purpose is to determine the name and address of a father:

- (1) whose name and address have not been disclosed by the mother of the child, on or before the date the mother executes a consent to the child's adoption, to:
  - (A) an attorney; or
  - (B) an agency;
 that is arranging the adoption of the child; and
- (2) who may have conceived a child for whom a petition for adoption has been or may be filed;

~~to provide so that~~ notice of the adoption **may be provided** to the putative father.

SECTION 79. IC 31-19-5-15, AS AMENDED BY P.L.58-2009, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) An attorney or agency that arranges an adoption or may arrange an adoption may at any time request that the state department of health search the registry to determine whether a putative father:

- (1) is registered in relation to a mother whose child is or may be the subject of an adoption; or
- (2) has filed a petition to establish paternity. ~~under this chapter;~~

(b) Whenever a petition for adoption is filed, the attorney or agency that arranges the adoption shall:

- (1) request that the state department of health search the registry under this section at least one (1) day after the expiration of the period specified by section 12 of this chapter; and
- (2) file an affidavit prepared by the state department of health under section 16 of this chapter in response to a request under subdivision (1) with the court presiding over the adoption under



1 this article.

2 SECTION 80. IC 31-19-5-16, AS AMENDED BY P.L.58-2009,  
3 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 UPON PASSAGE]: Sec. 16. (a) Not later than five (5) days after  
5 receiving a request under section 15 of this chapter, the state  
6 department of health shall submit an affidavit to the attorney or agency  
7 verifying whether a putative father:

8 (1) is registered within the period specified by section 12 of this  
9 chapter in relation to a mother whose child is the subject of the  
10 adoption that the attorney or agency is arranging; or

11 (2) has filed a petition to establish paternity. ~~under this chapter.~~

12 (b) Whenever the state department of health finds that one (1) or  
13 more putative fathers are registered, the state department shall:

14 (1) submit a copy of each registration form with the state  
15 department's affidavit; and

16 (2) include in the affidavit the date that the attorney or agency  
17 submits the request for a search that relates to the affidavit.

18 (c) Whenever the state department of health finds that one (1) or  
19 more putative fathers have filed a petition to establish paternity, ~~under~~  
20 ~~this chapter~~, the state department of health shall:

21 (1) submit a copy of each notice prepared by the clerk of the court  
22 under IC 31-14-9-0.5 with the state department of health's  
23 affidavit; and

24 (2) include in the affidavit the date the attorney or agency  
25 submitted the request for the search that relates to the affidavit.

26 (d) A court may not grant an adoption unless the state department's  
27 affidavit under this section is filed with the court as provided under  
28 IC 31-19-11-1(a)(4).

29 SECTION 81. IC 31-19-17-3, AS AMENDED BY P.L.58-2009,  
30 SECTION 26, AND AS AMENDED BY P.L.131-2009, SECTION 23,  
31 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
32 [EFFECTIVE UPON PASSAGE]: Sec. 3. The person, licensed child  
33 placing agency, or county office ~~of family and children~~ shall:

34 (1) exclude information that would identify the birth parents  
35 *unless the adoptive parent under subdivision (2)(A) or an adoptee*  
36 *under subdivision (2)(B) who requests the information knows the*  
37 *identity of the birth parents*; and

38 (2) release all available social, medical, psychological, and  
39 educational records concerning the child to:

40 (A) the adoptive parent; and

41 (B) upon request, an adoptee who:

42 (i) is at least twenty-one (21) years of age; and

43 (ii) provides proof of identification.

44 SECTION 82. IC 31-19-17-5, AS AMENDED BY P.L.58-2009,  
45 SECTION 27, AND AS AMENDED BY P.L.131-2009, SECTION 25,  
46 IS CORRECTED AND AMENDED TO READ AS FOLLOWS



[EFFECTIVE UPON PASSAGE]: Sec. 5. (a) This section applies to an adoption that is granted before July 1, 1993.

(b) Upon the request of an adoptee who:

(1) is at least twenty-one (21) years of age; and

(2) provides proof of identification;

a person, a licensed child placing agency, or a county office ~~of family and children~~ shall provide to the adoptee available information of social, medical, psychological, and educational records and reports concerning the adoptee. The person, licensed child placing agency, or county office ~~of family and children~~ shall exclude from the records information that would identify the birth parents *unless an adoptee already knows the identity of the birth parents.*

SECTION 83. IC 31-37-17-1, AS AMENDED BY P.L.114-2009, SECTION 2, AND AS AMENDED BY P.L.131-2009, SECTION 68, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) Upon finding that a child is a delinquent child, the juvenile court shall order a probation officer to prepare a predispositional report that contains:

(1) a statement of the needs of the child for care, treatment, rehabilitation, or placement;

(2) a recommendation for the care, treatment, rehabilitation, or placement of the child;

(3) if the recommendation includes

~~(A) an out-of-home placement other than a secure detention facility, or~~

~~(B) services payable by the department under IC 31-40-1-2;~~

information that the department requires to determine whether the child is eligible for assistance under Title IV-E of the federal Social Security Act (42 U.S.C. 670 et seq.); ~~and~~

(4) a statement of the department's concurrence with or its alternative proposal to the probation officer's predispositional report, as provided in section 1.4 of this chapter; *and*

*(5) a statement of whether the child receives Medicaid.*

(b) Any of the following may prepare an alternative report for consideration by the court:

(1) The child.

(2) The child's:

(A) parent;

(B) guardian;

(C) guardian ad litem;

(D) court appointed special advocate; or

(E) custodian.

SECTION 84. IC 32-25.5-3-2, AS ADDED BY P.L.167-2009, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) In addition to any other meeting held by a board, a board shall hold a special meeting of the members of a



homeowners association if at least ten percent (10%) of the members of the homeowners association submit to the board at least one (1) written demand for the special meeting that:

- (1) describes the purpose for which the meeting is to be held; and
- (2) is signed by the members requesting the special meeting.

(b) If a board does not send out a notice of the date, time, and ~~the~~ place for a special meeting not more than thirty (30) days after the date the board receives a valid written demand for the special meeting under subsection (a), a member of the homeowners association who signed the written demand may:

- (1) set the date, time, and place for the special meeting; and
- (2) send out the notice for the special meeting to the other members.

SECTION 85. IC 32-28-3-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) This section applies to a:

- (1) subcontractor;
- (2) lessor leasing construction and other equipment and tools, regardless of whether an operator is also provided by the lessor;
- (3) journeyman; or
- (4) laborer;

employed or leasing any equipment or tools used by the lessee in erecting, altering, repairing, or removing any house, mill, manufactory or other building, or bridge, reservoir, system of waterworks, or other structure or earth moving, or in furnishing any material or machinery for these activities.

(b) Except as provided in **subsection (f) and** section 12 of this chapter, in order to acquire ~~and hold a lien,~~ **rights under this section,** a person described in subsection (a) must give to the property owner, or if the property owner is absent, to the property owner's agent, written notice particularly setting forth the amount of the person's claim and services rendered for which:

- (1) the person's employer or lessee is indebted to the person; and
- (2) the person holds the property owner responsible.

(c) Subject to subsections (d) and (e), the property owner is liable for the person's claim.

(d) The property owner is liable to a person described in subsection (a) for not more than the amount that is due and may later become due from the owner to the employer or lessee.

(e) A person described in subsection (a) may recover the amount of the person's claim if, after the amounts of other claims that have priority are subtracted from the amount due from the property owner to the employer or lessee, the remainder of the amount due from the property owner to the employer or lessee is sufficient to pay the amount of the person's claim.

(f) This ~~section~~ **subsection** applies to a person described in



subsection (a) who gives written notice, to the property owner or, if the property owner is absent, to the owner's agent, before labor is performed or materials or machinery is furnished. The notice must particularly set forth the amount of:

(1) labor the person has contracted to perform; or

(2) materials or machinery the person has contracted to furnish; for the employer or lessee in erecting, altering, repairing, or removing any of the buildings or other structures described in subsection (a). A person described in ~~subsection (a)~~ **this subsection** has the same rights and remedies against the property owner for the amount of the labor performed by the person or materials or machinery furnished by the person after the notice is given, as are provided in this chapter for persons who serve notice after performing the labor or furnishing the materials or machinery.

(g) If an action is brought against a property owner under this section, all subcontractors, equipment lessors leasing equipment, journeymen, and laborers who have:

(1) performed labor or furnished materials or machinery; and

(2) given notice under this section;

may become parties to the action. If, upon final judgment against the property owner the amount recovered and collected is not sufficient to pay the claimants in full, the amount recovered and collected shall be divided among the claimants pro rata.

SECTION 86. IC 32-33-20-5, AS ADDED BY P.L.73-2009, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) This section does not apply if an end user retains title to and possession of a special tool.

(b) Unless otherwise agreed in writing, if a customer does not claim possession of a special tool from an end user within three (3) years after the date the special tool is last used by the end user, at the option of the end user, all rights, title, and interest in the special tool may be transferred by operation of law to the end user for the purpose of destroying the special tool.

(c) After the three (3) year period described in subsection (b) expires, if an end user chooses to have all rights, title, and interest in a special tool transferred to the end user, the end user shall send written notice by registered mail, return receipt requested: ~~to:~~

(1) ~~to~~ an address designated in writing by the customer; or

(2) if the customer has not designated an address in writing, to the customer's last known address;

that indicates the end user intends to terminate the customer's rights, title, and interest in the special tool by having all rights, title, and interest in the special tool transferred to the end user under this section.

(d) If a customer does not:

(1) claim possession of the special tool within one hundred twenty

(120) days after the date the end user receives the return receipt



1 of the notice sent under subsection (c); or

2 (2) make other arrangements with the end user for storage of the  
3 special tool within one hundred twenty (120) days after the date  
4 the end user receives the return receipt of the notice sent under  
5 subsection (c);

6 all rights, title, and interest of the customer in the special tool are  
7 transferred by operation of law to the end user for the purpose of  
8 destroying the special tool.

9 (e) This section may not be construed to:

10 (1) affect a right of a customer under a:

11 (A) federal patent or copyright law; or

12 (B) state or federal law concerning unfair competition; or

13 (2) grant a customer rights, title, or interest in a special tool.

14 SECTION 87. IC 33-23-15-3, AS ADDED BY P.L.110-2009,  
15 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
16 UPON PASSAGE]: Sec. 3. (a) A person who receives an adverse  
17 decision under section 2 of this chapter may seek review **of** the  
18 decision by filing, not later than thirty (30) days after receiving the  
19 adverse decision, an action for review:

20 (1) in the court of conviction, if the adverse decision was made by  
21 the department of correction; or

22 (2) in a circuit or superior court in a county adjacent to the county  
23 in which the court rendered the adverse decision, if the adverse  
24 decision was made by a court.

25 (b) The court hearing an action for review filed under this section  
26 shall conduct the review hearing de novo. The hearing shall be  
27 conducted in accordance with section 2 of this chapter.

28 (c) The determination of a court under this section is a final  
29 appealable order.

30 SECTION 88. IC 33-24-6-3, AS AMENDED BY P.L.110-2009,  
31 SECTION 12, AND AS AMENDED BY P.L.130-2009, SECTION 19,  
32 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
33 [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The division of state  
34 court administration shall do the following:

35 (1) Examine the administrative and business methods and systems  
36 employed in the offices of the clerks of court and other offices  
37 related to and serving the courts and make recommendations for  
38 necessary improvement.

39 (2) Collect and compile statistical data and other information on  
40 the judicial work of the courts in Indiana. All justices of the  
41 supreme court, judges of the court of appeals, judges of all trial  
42 courts, and any city or town courts, whether having general or  
43 special jurisdiction, court clerks, court reporters, and other  
44 officers and employees of the courts shall, upon notice by the  
45 executive director and in compliance with procedures prescribed  
46 by the executive director, furnish the executive director the



information as is requested concerning the nature and volume of judicial business. The information must include the following:

- (A) The volume, condition, and type of business conducted by the courts.
- (B) The methods of procedure in the courts.
- (C) The work accomplished by the courts.
- (D) The receipt and expenditure of public money by and for the operation of the courts.
- (E) The methods of disposition or termination of cases.

(3) Prepare and publish reports, not less than one (1) or more than two (2) times per year, on the nature and volume of judicial work performed by the courts as determined by the information required in subdivision (2).

(4) Serve the judicial nominating commission and the judicial qualifications commission in the performance by the commissions of their statutory and constitutional functions.

(5) Administer the civil legal aid fund as required by IC 33-24-12.

(6) Administer the judicial technology and automation project fund established by section 12 of this chapter.

*(7) Develop a standard protocol for the exchange of information, by not later than December 31, 2009:*

*(A) between the protective order registry, established by IC 5-2-9-5.5, and county court case management systems;*

*(B) at the option of the county prosecuting attorney, for:*

~~(1)~~ *(i) a prosecuting attorney's case management system;*

~~(2)~~ *(ii) a county court case management system; and*

~~(3)~~ *(iii) a county court case management system developed*

*and operated by the division of state court administration;*

*to interface with the electronic traffic tickets, as defined by IC 9-30-3-2.5; and*

*(C) between county court case management systems and the case management system developed and operated by the division of state court administration.*

~~(7)~~ **(8)** *Establish and administer an electronic system for receiving information that relates to certain individuals who may be prohibited from possessing a firearm and transmitting this information to the Federal Bureau of Investigation for inclusion in the NICS.*

(b) All forms to be used in gathering data must be approved by the supreme court and shall be distributed to all judges and clerks before the start of each period for which reports are required.

*(c) The division may adopt rules to implement this section.*

SECTION 89. IC 33-33-44-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. The court has one (1) judge who shall hold sessions in:

- (1) the LaGrange County courthouse in the ~~city~~ town of





1 LaGrange; or

2 (2) other places in the county as the LaGrange County executive  
3 may provide.

4 SECTION 90. IC 34-26-5-9, AS AMENDED BY P.L.116-2009,  
5 SECTION 13, AND AS AMENDED BY P.L.130-2009, SECTION 24,  
6 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
7 [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) If it appears from a  
8 petition for an order for protection or from a petition to modify an order  
9 for protection that domestic or family violence has occurred or that a  
10 modification of an order for protection is required, a court may:

- 11 (1) without notice or hearing, immediately issue an order for  
12 protection ex parte or modify an order for protection ex parte; or  
13 (2) upon notice and after a hearing, whether or not a respondent  
14 appears, issue or modify an order for protection.

15 (b) A court may grant the following relief without notice and  
16 hearing in an ex parte order for protection or in an ex parte order for  
17 protection modification:

18 (1) Enjoin a respondent from threatening to commit or  
19 committing acts of domestic or family violence against a  
20 petitioner and each designated family or household member.

21 (2) Prohibit a respondent from harassing, annoying, telephoning,  
22 contacting, or directly or indirectly communicating with a  
23 petitioner.

24 (3) Remove and exclude a respondent from the residence of a  
25 petitioner, regardless of ownership of the residence.

26 (4) Order a respondent to stay away from the residence, school, or  
27 place of employment of a petitioner or a specified place  
28 frequented by a petitioner and each designated family or  
29 household member.

30 (5) Order possession and use of the residence, an automobile, and  
31 other essential personal effects, regardless of the ownership of the  
32 residence, automobile, and essential personal effects. If  
33 possession is ordered under this subdivision, the court may direct  
34 a law enforcement officer to accompany a petitioner to the  
35 residence of the parties to:

36 (A) ensure that a petitioner is safely restored to possession of  
37 the residence, automobile, and other essential personal effects;  
38 or

39 (B) supervise a petitioner's or respondent's removal of personal  
40 belongings.

41 (6) Order other relief necessary to provide for the safety and  
42 welfare of a petitioner and each designated family or household  
43 member.

44 (c) A court may grant the following relief after notice and a hearing,  
45 whether or not a respondent appears, in an order for protection or in a  
46 modification of an order for protection:



- 1 (1) Grant the relief under subsection (b).
- 2 (2) Specify arrangements for parenting time of a minor child by
- 3 a respondent and:
  - 4 (A) require supervision by a third party; or
  - 5 (B) deny parenting time;
- 6 if necessary to protect the safety of a petitioner or child.
- 7 (3) Order a respondent to:
  - 8 (A) pay attorney's fees;
  - 9 (B) pay rent or make payment on a mortgage on a petitioner's
  - 10 residence;
  - 11 (C) if the respondent is found to have a duty of support, pay
  - 12 for the support of a petitioner and each minor child;
  - 13 (D) reimburse a petitioner or other person for expenses related
  - 14 to the domestic or family violence, including:
    - 15 (i) medical expenses;
    - 16 (ii) counseling;
    - 17 (iii) shelter; and
    - 18 (iv) repair or replacement of damaged property; ~~or~~
    - 19 *(E) pay the costs and expenses incurred in connection with the*
    - 20 *use of a GPS tracking device under subsection (i); or*
    - 21 ~~(F)~~ *(F) pay the costs and fees incurred by a petitioner in*
    - 22 *bringing the action.*
- 23 (4) Prohibit a respondent from using or possessing a firearm,
- 24 ammunition, or a deadly weapon specified by the court, and direct
- 25 the respondent to surrender to a specified law enforcement agency
- 26 the firearm, ammunition, or deadly weapon for the duration of the
- 27 order for protection unless another date is ordered by the court.

28 An order issued under subdivision (4) does not apply to a person who  
 29 is exempt under 18 U.S.C. 925.

30 (d) The court shall:

- 31 (1) cause the order for protection to be delivered to the county
- 32 sheriff for service;
- 33 (2) make reasonable efforts to ensure that the order for protection
- 34 is understood by a petitioner and a respondent if present;
- 35 (3) electronically notify each law enforcement agency:
  - 36 (A) required to receive notification under IC 5-2-9-6; or
  - 37 (B) designated by the petitioner;
- 38 (4) transmit a copy of the order to the clerk for processing under
- 39 IC 5-2-9;
- 40 (5) indicate in the order if the order and the parties meet the
- 41 criteria under 18 U.S.C. 922(g)(8); and
- 42 (6) require the clerk *of court* to enter or provide a copy of the
- 43 order to the Indiana protective order registry established by
- 44 IC 5-2-9-5.5.

45 (e) An order for protection issued ex parte or upon notice and a  
 46 hearing, or a modification of an order for protection issued ex parte or



upon notice and a hearing, is effective for two (2) years after the date of issuance unless another date is ordered by the court. The sheriff of each county shall provide expedited service for an order for protection.

(f) A finding that domestic or family violence has occurred sufficient to justify the issuance of an order under this section means that a respondent represents a credible threat to the safety of a petitioner or a member of a petitioner's household. Upon a showing of domestic or family violence by a preponderance of the evidence, the court shall grant relief necessary to bring about a cessation of the violence or the threat of violence. The relief may include an order directing a respondent to surrender to a law enforcement officer or agency all firearms, ammunition, and deadly weapons:

- (1) in the control, ownership, or possession of a respondent; or
- (2) in the control or possession of another person on behalf of a respondent;

for the duration of the order for protection unless another date is ordered by the court.

(g) An order for custody, parenting time, or possession or control of property issued under this chapter is superseded by an order issued from a court exercising dissolution, legal separation, paternity, or guardianship jurisdiction over the parties.

(h) The fact that an order for protection is issued under this chapter does not raise an inference or presumption in a subsequent case or hearings between the parties.

(i) *Upon a finding of a violation of an order for protection, the court may:*

- (1) *require a respondent to wear a GPS tracking device; and*
- (2) *prohibit the respondent from approaching or entering certain locations where the petitioner may be found.*

*If the court requires a respondent to wear a GPS tracking device under subdivision (1), the court shall, if available, require the respondent to wear a GPS tracking device with victim notification capabilities.*

(j) *The court may permit a victim, a petitioner, another person, an organization, or an agency to pay the costs and expenses incurred in connection with the use of a GPS tracking device under subsection (i).*

SECTION 91. IC 34-26-5-18, AS AMENDED BY P.L.116-2009, SECTION 15, AND AS AMENDED BY P.L.130-2009, SECTION 26, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. The following orders are required to be entered into the Indiana data and communication system (IDACS) by a county sheriff or local law enforcement agency:

- (1) A no contact order issued under IC 31-32-13 in a juvenile case.
- (2) A no contact order issued under IC 31-34-20 in a child in need of services (CHINS) case.
- (3) A no contact order issued under IC 31-34-25 in a CHINS case.



(4) A no contact order issued under IC 31-37-19 in a delinquency case.

(5) A no contact order issued under IC 31-37-25 in a delinquency case.

(6) A no contact order issued under IC 33-39-1-8 in a criminal case.

(7) An order for protection issued under this chapter.

(8) A workplace violence restraining order issued under IC 34-26-6.

(9) A no contact order issued under IC 35-33-8-3.2 in a criminal case.

(10) A no contact order issued under IC 35-38-2-2.3 in a criminal case.

(11) A child protective order issued under IC 31-34-2.3.

(12) *A foreign protective order registered under ~~IC 34-26-5-17~~ section 17 of this chapter.*

SECTION 92. IC 34-30-2-96.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 96.6. IC 24-5-23.5-8(e) (concerning the voluntary disclosure of suspected violations of the statute prohibiting improperly influencing a real estate appraisal through bribery, coercion, extortion, intimidation, collusion, or other means).**

SECTION 93. IC 35-38-2-2.4, AS AMENDED BY P.L.173-2006, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.4. As a condition of probation, the court may require a sex offender (as defined in ~~IC 11-8-8-5~~) **IC 11-8-8-4.5**) to:

(1) participate in a treatment program for sex offenders approved by the court; and

(2) avoid contact with any person who is less than sixteen (16) years of age unless the probationer:

(A) receives the court's approval; or

(B) successfully completes the treatment program referred to in subdivision (1).

SECTION 94. IC 35-41-1-10.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 10.3. "The effects of battery" refers to a psychological condition of an individual who has suffered repeated physical or sexual abuse inflicted by another individual who is the:**

(1) victim of an alleged crime for which the abused individual is charged in a pending prosecution; and

(2) abused individual's:

(A) spouse or former spouse;

(B) parent;



- 1                   **(C) guardian or former guardian;**  
 2                   **(D) custodian or former custodian; or**  
 3                   **(E) cohabitant or former cohabitant.**

4           SECTION 95. IC 36-1-12-1, AS AMENDED BY P.L.71-2009,  
 5           SECTION 4, AND AS AMENDED BY P.L.99-2009, SECTION 3, IS  
 6           CORRECTED AND AMENDED TO READ AS FOLLOWS  
 7           [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) Except as provided in this  
 8           section, this chapter applies to all public work performed or contracted  
 9           for by:

- 10           (1) political subdivisions; and  
 11           (2) their agencies;

12           regardless of whether it is performed on property owned or leased by  
 13           the political subdivision or agency.

14           (b) This chapter does not apply to an officer or agent who, on behalf  
 15           of a municipal utility, maintains, extends, and installs services of the  
 16           utility if the necessary work is done by the employees of the utility.

17           (c) This chapter does not apply to hospitals organized or operated  
 18           under IC 16-22-1 through IC 16-22-5 or IC 16-23-1, unless the public  
 19           work is financed in whole or in part with cumulative building fund  
 20           revenue.

21           (d) This chapter does not apply to tax exempt Indiana nonprofit  
 22           corporations leasing and operating a city market owned by a political  
 23           subdivision.

24           (e) As an alternative to this chapter, the governing body of a  
 25           political subdivision or its agencies may do the following:

- 26           (1) Enter into a design-build contract as permitted under IC 5-30.  
 27           (2) Participate in a utility efficiency program or ~~may~~ enter into a  
 28           guaranteed savings contract as permitted under IC 36-1-12.5.

29           (f) This chapter does not apply to a person that has entered into an  
 30           operating agreement with a political subdivision or an agency of a  
 31           political subdivision under IC 5-23.

32           SECTION 96. IC 36-1-12.5-2.5 IS AMENDED TO READ AS  
 33           FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.5. As used in this  
 34           chapter, "industry engineering standards" includes the following:

- 35           (1) Lifecycle costing.  
 36           (2) The R. S. Means estimating method developed by the R. S.  
 37           Means Company.  
 38           (3) Historical data.  
 39           (4) Manufacturer's data.  
 40           (5) American ~~Standard~~ **Society of Heating, Refrigeration, and Air**  
 41           Conditioning Engineers (ASHRAE) standards.

42           SECTION 97. IC 36-7-9-5, AS AMENDED BY P.L.88-2009,  
 43           SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 44           UPON PASSAGE]: Sec. 5. (a) The enforcement authority may issue an  
 45           order requiring action relative to any unsafe premises, including:

- 46           (1) vacating of an unsafe building;



(2) sealing an unsafe building against intrusion by unauthorized persons, in accordance with a uniform standard established by ordinance;

(3) extermination of vermin in and about the unsafe premises;

(4) removal of trash, debris, fire hazardous material, or a public health hazard in and about the unsafe premises;

(5) repair or rehabilitation of an unsafe building to bring it into compliance with standards for building condition or maintenance required for human habitation, occupancy, or use by a statute, a rule adopted under IC 4-22-2, or an ordinance;

(6) demolition and removal of part of an unsafe building;

(7) demolition and removal of an unsafe building if:

(A) the general condition of the building warrants removal; or

(B) the building continues to require reinspection and additional abatement action after an initial abatement action was taken pursuant to notice and an order; and

(8) requiring, for an unsafe building that will be sealed for a period of more than ninety (90) days:

(A) sealing against intrusion by unauthorized persons and the effects of weather;

(B) exterior improvements to make the building compatible in appearance with other buildings in the area; and

(C) continuing maintenance and upkeep of the building and premises;

in accordance with standards established by ordinance.

Notice of the order must be given under section 25 of this chapter. The ordered action must be reasonably related to the condition of the unsafe premises and the nature and use of nearby properties. The order supersedes any permit relating to building or land use, whether that permit is obtained before or after the order is issued.

(b) The order must contain:

(1) the name of the person to whom the order is issued;

(2) the legal description or address of the unsafe premises that are the subject of the order;

(3) the action that the order requires;

(4) the period of time in which the action is required to be accomplished, measured from the time when the notice of the order is given;

(5) if a hearing is required, a statement indicating the exact time and place of the hearing, and stating that person to whom the order was issued is entitled to appear at the hearing with or without legal counsel, present evidence, cross-examine opposing witnesses, and present arguments;

(6) if a hearing is not required, a statement that an order under subsection (a)(2), (a)(3), (a)(4), or (a)(5) becomes final ten (10) days after notice is given, unless a hearing is requested in writing



1 by a person holding a fee interest, life estate interest, or equitable  
 2 interest of a contract purchaser in the unsafe premises, and the  
 3 request is delivered to the enforcement authority before the end  
 4 of the ten (10) day period;

5 (7) a statement briefly indicating what action can be taken by the  
 6 enforcement authority if the order is not complied with;

7 (8) a statement indicating the obligation created by section 27 of  
 8 this chapter relating to notification of subsequent interest holders  
 9 and the enforcement authority; and

10 (9) the name, address, and telephone number of the enforcement  
 11 authority.

12 (c) The order must allow a sufficient time, of at least ten (10) days,  
 13 but not more than sixty (60) days, from the time when notice of the  
 14 order is given, to accomplish the required action. If the order allows  
 15 more than thirty (30) days to accomplish the action, the order may  
 16 require that a substantial beginning be made in accomplishing the  
 17 action within thirty (30) days.

18 (d) The order expires two (2) years from the day the notice of the  
 19 order is given, unless one (1) or more of the following events occurs  
 20 within that two (2) year period:

21 (1) A complaint requesting judicial review is filed under ~~section~~  
 22 ~~9~~ **section 8** of this chapter.

23 (2) A contract for action required by the order is let at public bid  
 24 under section 11 of this chapter.

25 (3) A civil action is filed under section 17 of this chapter.

26 SECTION 98. IC 36-8-10-15, AS AMENDED BY P.L.99-2007,  
 27 SECTION 221, IS AMENDED TO READ AS FOLLOWS  
 28 [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) The department may  
 29 establish and operate a disability benefit program for the payment of  
 30 disability expense reimbursement and pensions to ~~beneficiaries of an~~  
 31 employee **beneficiaries** with a disability. The department may provide  
 32 these benefits by the creation of a reserve account, by obtaining  
 33 disability insurance coverage, or both. However, the department may  
 34 not establish or modify a disability benefit program after June 30, 1989,  
 35 without the approval of the county fiscal body which shall not reduce  
 36 or diminish any disability benefits set forth in any disability program  
 37 that was in effect on January 1, 1989.

38 (b) Benefits payable as a result of line of duty activities, including  
 39 a disability presumed incurred in the line of duty under IC 5-10-13,  
 40 must be in reasonable amounts. Monthly benefits payable as a result of  
 41 other activities may not exceed the amount of pension to which that  
 42 employee beneficiary employed until normal retirement age would  
 43 have been entitled.

44 SECTION 99. IC 36-8-10.5-7, AS AMENDED BY P.L.93-2009,  
 45 SECTION 3, AND AS AMENDED BY P.L.110-2009, SECTION 17,  
 46 IS CORRECTED AND AMENDED TO READ AS FOLLOWS



[EFFECTIVE UPON PASSAGE]: Sec. 7. (a) The education board shall adopt rules under IC 4-22-2 establishing minimum basic training requirements for full-time firefighters and volunteer firefighters, subject to subsection (b) *and section 7.5 of this chapter*. The requirements must include training in the following areas:

- (1) Orientation.
- (2) Personal safety.
- (3) Forcible entry.
- (4) Ventilation.
- (5) Apparatus.
- (6) Ladders.
- (7) Self-contained breathing apparatus.
- (8) Hose loads.
- (9) Streams.
- (10) Basic recognition of special hazards.

(b) A person who fulfills the certification requirements for:

- (1) Firefighter I, as described in 655 IAC 1-2.1-4; or
- (2) Firefighter II, as described in 655 IAC 1-2.1-5;

is considered to comply with the requirements established under subsection (a).

(c) In addition to the requirements of subsections (a) and (d), the minimum basic training requirements for full-time firefighters and volunteer firefighters must include successful completion of a basic or inservice course of education and training on sudden infant death syndrome that is certified by the *Indiana* emergency medical services commission (created under IC 16-31-2-1) in conjunction with the state health commissioner.

(d) In addition to the requirements of subsections (a) and (c), the minimum basic training requirements for full-time and volunteer firefighters must include successful completion of an instruction course on vehicle emergency response driving safety. The education board shall adopt rules under IC 4-22-2 to operate this course.

*(e) In addition to the requirements of subsections (a), (c), and (d), the minimum basic training requirements for full-time and volunteer firefighters must include successful completion of a basic or inservice course of education and training in interacting with individuals with autism that is certified by the Indiana emergency medical services commission (created under IC 16-31-2-1).*

SECTION 100. IC 36-8-12-10.9, AS AMENDED BY P.L.63-2009, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10.9. (a) The employer may require an employee who will be absent from employment as set forth in:

- (1) section 10.5(c)(1); or
- (2) section 10.7(b)(1);

of this chapter to notify the employer before the scheduled start time for the absence from employment to be excused by the employer.





(b) The employer is not required to pay salary or wages to an employee who has been absent from employment as set forth in section 10.5(c) or 10.7(b) of this chapter for the time away from the employee's duty station. The employee may seek remuneration for the absence from employment by the use of:

- (1) vacation leave;
- (2) personal time;
- (3) compensatory time off; or
- (4) in the case of an absence from employment as set forth in section 10.5(c)(3) or 10.7(b)(3) of this chapter, sick leave.

(c) An employer shall administer an absence from employment as set forth in section 10.5(c)(3) or 10.7(b)(3) **of this chapter** in a manner consistent with the federal Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.), as amended and in effect on January 1, 2009.

SECTION 101. IC 36-8-12-13, AS AMENDED BY P.L.182-2009, SECTION 435, AND AS AMENDED BY P.L.127-2009, SECTION 12, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. (a) A volunteer fire department may impose a charge on the owner of property, the owner of a vehicle, or a responsible party (as defined in ~~IC 13-11-2-191(d)~~ IC 13-11-2-191(e)) that is involved in a hazardous material or fuel spill or chemical or hazardous material related fire (as defined in IC 13-11-2-96(b)):

- (1) that is responded to by the volunteer fire department; and
- (2) that members of that volunteer fire department assisted in extinguishing, containing, or cleaning up.

(b) The volunteer fire department shall bill the owner or responsible party of the vehicle for the total dollar value of the assistance that was provided, with that value determined by a method that the state fire marshal shall establish under IC 36-8-12-16. A copy of the fire incident report to the state fire marshal must accompany the bill. This billing must take place within thirty (30) days after the assistance was provided. The owner or responsible party shall remit payment directly to the governmental unit providing the service. Any money that is collected under this section may be:

- (1) deposited in the township firefighting fund established in IC 36-8-13-4;
- (2) used to pay principal and interest on a loan made by the department of homeland security established by IC 10-19-2-1 or a division of the department for the purchase of new or used firefighting and other emergency equipment or apparatus; or
- (3) used for the purchase of equipment, buildings, and property for firefighting, fire protection, and other emergency services.

(c) *Any administrative fees charged by a fire department's agent must be paid only from fees that are collected and allowed by Indiana law and the fire marshal's schedule of fees.*



1        *(d) An agent who processes fees on behalf of a fire department shall*  
 2        *send all bills, notices, and other related materials to both the fire*  
 3        *department and the person being billed for services.*

4        *(e) All fees allowed by Indiana law and the fire marshal's fee*  
 5        *schedule must be itemized separately from any other charges.*

6        ~~(c)~~ (f) The volunteer fire department may maintain a civil action to  
 7        recover an unpaid charge that is imposed under subsection (a).

8        SECTION 102. THE FOLLOWING ARE REPEALED  
 9        [EFFECTIVE UPON PASSAGE]: IC 1-1-3.2; IC 4-13.6-6-2.7;  
 10       IC 6-1.1-29-1; IC 8-1-17-18.1; IC 9-13-2-27.5;  
 11       IC 9-13-2-80; IC 9-27-4; IC 9-29-12-1; IC 9-29-12-2; IC 14-23-3-3;  
 12       IC 15-13-9; IC 20-19-3-9; IC 20-43-3-3; IC 20-46-5-6; IC 20-46-6-8;  
 13       IC 35-41-1-3.3.

14       SECTION 103. P.L.131-2009, SECTION 77, IS AMENDED TO  
 15       READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: SECTION  
 16       77. (a) The department of child services, in cooperation with the  
 17       department of education, shall develop and coordinate the education  
 18       advocates for children in foster care plan. The plan must:

19       (1) specify the best approach to coordinate the transfer of a child  
 20       in foster care between schools and between school districts,  
 21       including the transfer of a child's school records and any  
 22       individual education plans;

23       (2) address specific educational issues encountered by children in  
 24       foster care;

25       (3) specify with whom the department may partner to assist with  
 26       the educational needs of a child in foster care;

27       (4) specify how school corporation liaisons, under IC 20-50-1,  
 28       and the programs for tutoring and mentoring for homeless  
 29       children and foster care children, under ~~IC 20-5-2~~, **IC 20-50-2**,  
 30       could assist the department with foster care children; and

31       (5) recommend legislation to fulfill the plan.

32       (b) The department shall submit a report to the governor and the  
 33       legislative council before July 1, 2010. The report must include details  
 34       of the plan described in subsection (a). The report submitted to the  
 35       legislative council must be in an electronic format under IC 5-14-6.

36       (c) This SECTION expires December 31, 2010.

37       SECTION 104. P.L.127-2009, SECTION 14, IS REPEALED  
 38       [EFFECTIVE UPON PASSAGE].

39       SECTION 105. **An emergency is declared for this act.**

